PRELIMINARY ECOLOGICAL APPRAISAL
&
BIODIVERSITY ACCOUNTING ASSESSMENT

in relation to
PROPOSED DEVELOPMENT at
FORMER COMMERCIAL HOTEL
125 WELLINGTON STREET, BATLEY WF17 5TH
West Yorkshire

2024

Planning Application No. 2024/92495/FUL

REPORT PRODUCED ON BEHALF OF
MR. ABDUL AZEEM

ENTOTAX CONSULTANTS UK
ENTOTAX CONTRACT SCIENCE
REPORT No. EC/24/1150 (DECEMBER 2024)

Quality Assurance

This report has been prepared and is provided in accordance with :

(1) British Standard 42020: **Biodiversity – Code of practice for planning and development 2018.**
(2) CIEEM **Code of Professional Conduct.**

Contents

EXECUTIVE SUMMARY

This summary should be read in conjunction with the final report to KMS Consultants & Associates Ltd. (Entotax Contract Science Report EC/24/1150) covering the period up to and including 30 November 2024.

A Preliminary Ecological Appraisal (PEA) and supporting Biodiversity Accounting Assessment (BAA) was undertaken at the former **Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire WF17 5TH** by **Entotax Consultants UK** (ecological consultants) on behalf of **KMS Consultants & Associates Ltd.** (agent acting on behalf of the applicant **Mr. Abdul Azeem**). The purpose of the PEA/BAA is to inform a planning application for a proposed development at the site and to determine the site baseline biodiversity value. The PEA/BAA also aims to determine if sufficient biodiversity enhancement opportunities are available within the site boundary to compensate for any biodiversity loss resulting from the proposed development.

The Statutory Biodiversity Metric (February 2024) was used to calculate the baseline biodiversity value of all existing habitats present at the site and to determine the comparative measure of habitat retention, enhancement or creation required to achieve a minimum mandatory Biodiversity Net Gain (BNG) of 10%. The Metric determines biodiversity loss (due to development impacts) and biodiversity gain (due to habitat retention, enhancement or creation) in terms of Biodiversity Units (BU).

The PEA/BAA for the proposed development determined that the balance between impacts and habitat retention, enhancement or creation will result in a BNG of **+0.02** habitat Biodiversity Units and a corresponding net gain of **14.67%** indicating that the proposed development satisfies the mandatory Trading Rules.

1 INTRODUCTION

1.1 DEVELOPMENT PROPOSALS

Mr. Abdul Azeem is proposing to undertake development works at the former **Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire WF17 5TH.** The application site comprises derelict land formerly occupied by the hotel (demolished in 2020) and now comprises remaindered brick rubble supporting a diffuse, ruderal and early successional pioneer) flora. The proposals constitute the building of a new commercial unit and are therefore subject to a planning decision notice.

The development proposals for the application site comprise the construction of a commercial unit (Vehicle Software Diagnostics Centre).

Planning Application Number: **2024/92495/FUL**
Application Received by Planning Department: **02 September 2024**
Application Validated by Planning Department: **Awaiting Validation**
Status: **Awaiting Decision**

1.2 OBJECTIVES

During October 2024 **Entotax Consultants UK** (ecological consultants) were commissioned by **KMS Consultants & Associates Ltd.** (agent acting on behalf of the applicant **Mr. Abdul Azeem**) to undertake a Preliminary Ecological Appraisal (PEA) and supporting Biodiversity Accounting Assessment (BAA) in order to determine the comparative measure of habitat retention, enhancement or creation required to achieve a minimum mandatory Biodiversity Net Gain (BNG) of 10%. The Metric determines biodiversity loss (due to development impacts) and biodiversity gain (due to habitat retention, enhancement or creation) in terms of Biodiversity Units (BU). The aims of this report are to inform the proposed development by :

- Determining the ecological baseline biodiversity value of the site by undertaking appropriate survey of all the habitats present; calculating the biodiversity value of each surveyed habitat type; and by calculating the total biodiversity value of the site by summation of all the habitats present (in keeping with the protocols of the Statutory Biodiversity Net Gain Metric);

- Determining if sufficient compensation for any residual biodiversity loss due to the development can be achieved on-site (i.e. within the red line boundary) either by habitat retention, habitat enhancement or habitat creation (in keeping with the protocols of the Statutory Biodiversity Net Gain Metric);

- Determining the overall residual biodiversity net gain or net loss associated with the proposed development.

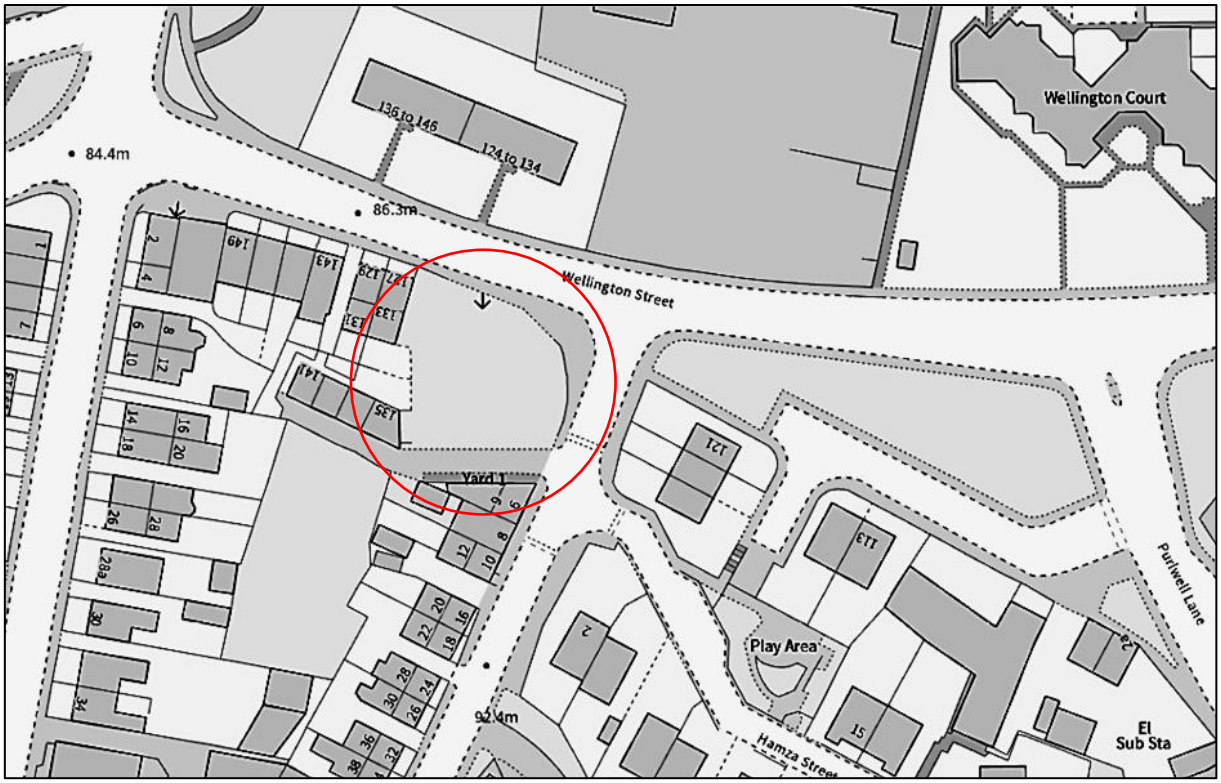
- Determining the likelihood of the presence/absence of species of biodiversity/nature conservation importance at the site (wherever possible), and provision of appropriate mitigation (where necessary) prior to commencement of the proposed development;

- Provision of a report to Kirklees Council (Planning Services) detailing the results of the Preliminary Ecological Appraisal (PEA) and supporting Biodiversity Accounting Assessment (BAA) in conjunction with submission of the relevant Statutory Biodiversity Net Gain Metric for the site.

1.3 APPLICATION SITE LOCATION

The application site lies proximal to Batley town centre (approx. 60m to the southeast of the Healey Lane (B6123), Mayman Lane (B6123), Wellington Street and Clerk Green Steet road junction, and to the immediate west of the Wellington Street junction with Dark Lane). The site lies within 1 km national grid reference square SE 2324 (Central National Grid Reference: SE 23865 24019 = 423865E 424019N) at an altitude of approx. 90m Above Ordnance Datum (AOD).

Figure 1: Application Site Location



The application site lies within a highly urbanized landscape surrounded by residential development to the immediate south, east and west and with industrial development to the immediate north. The wider environs support significant areas of green open space to the northwest, southwest and southeast. The habitats within the application site red line boundary are shown in **Appendix 1.**

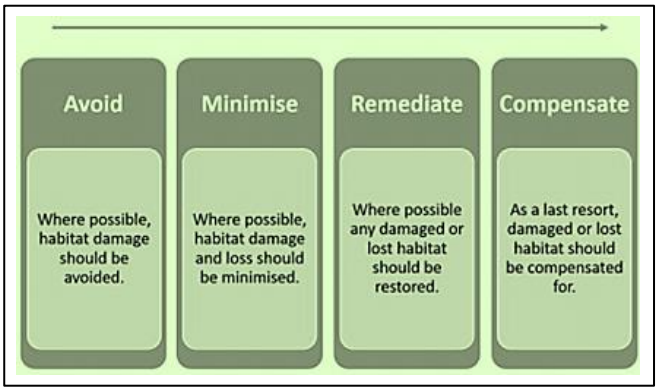
2 BIODIVERSITY ACCOUNTING ASSESSMENT

2.1 CONTEXT

Biodiversity is impossible to determine exactly. However, the use of Metrics (computer programs allocating values to different biodiversity attributes) are able to provide surrogate measures of overall biodiversity. **The Statutory Biodiversity Metric** produced by DEFRA in 2024 determines the biodiversity impacts and compensation requirements associated with development proposals. The Metric provides comparative measures of each on-site habitat in terms of biodiversity units (BU) by multiplying habitat area (in hectares), distinctiveness (of habitat type) and condition (habitat quality). Net impacts between habitat loss due to the development and onsite gains due to habitat retention, enhancement and/or creation can be calculated in order to determine if a measurable biodiversity net gain will be achieved on-site, as a consequence of the development proposals. Where measurable on-site net gain cannot be achieved, **Biodiversity Offsetting** must be undertaken. Biodiversity offsetting is the creating or restoring of new wildlife habitat (in a measurable way) in a different place to where it was lost. Biodiversity offsetting (as with other forms of compensation) is the last step in the **Mitigation Hierarchy** (avoid > minimize > reduce > compensate) and is applied as the last resort to otherwise policy-compliant development proposals. Whilst biodiversity offsetting provides a mechanism for quantifiable compensation and net gain, it also provides reliable biodiversity outcomes in the long-term (30 years) since biodiversity offsetting can be monitored and is enforceable (with adaptable management plans) for optimum success.

2.2 THE MITIGATION HIERARCHY

The **Mitigation Hierarchy** is a widely used good practice framework that guides users towards limiting (as far as possible) the negative impacts from development proposals upon biodiversity. It is based upon a sequence of four iterative actions: **avoidance**; **minimization** of negative impacts (e.g. prevention); **remediation** (restoration etc.) and finally **compensation** offsetting any residual impacts.



2.3 BIODIVERSITY NET GAIN PRINCIPLES

Biodiversity Net Gain: Good Practice Principles for Development (CIEEM et al., 2016) states that delivering biodiversity net gain should exceed balancing relative habitat gains and losses but should ultimately aim to do everything possible to avoid biodiversity loss in the first place. The application of the **Statutory Biodiversity Metric** produced by DEFRA (as detailed in this report), assists development proposals in adopting this approach by:

- Providing habitat balance sheets which are able to identify those habitats with the greatest biodiversity value and subsequently those producing the greatest negative impact where lost.

- Supporting and incentivizing the Mitigation Hierarchy by quantifying the benefits of avoiding and mitigating impacts upon features of high biodiversity value.

- Promoting the value of biodiversity enhancement and demonstrating the potential for additionality on retained habitats.

- Providing a balance between loss and enhancement and/or on-site compensation, to determine if a measure of net gain contribution can be achieved.

- Providing transparent, robust and credible evidence to inform provision of optimal on-site options for biodiversity; and

- Ensuring that any residual off-site compensation required (e.g. biodiversity offsetting) is proportionate to the impact and will secure overall measurable net gain for biodiversity.

3 LEGISLATION AND POLICY

3.1 CAVEAT

This report has been prepared and provided in accordance with **British Standard 42020: Biodiversity – Code of practice for planning and development 2018** and CIEEMs **Code of Professional Conduct**. The report takes into account the legislation and policy protection afforded to specific habitats and species. Entotax Consultants UK does not provide specialist legal advice and where necessary the reader should consult the original legislation, referenced in **Appendix A.** Legislation, planning policies and planning guidance relevant to the protection, conservation and enhancement of sites of nature conservation interest are detailed below:

3.2 LEGISLATION, NATIONAL POLICY AND GUIDANCE

Potential ecological receptors to a development scheme including habitats and species of nature conservation importance, receive legal protection under a wide range of legislation and planning policies. These include:

- The Environment Act 2021.
- The National Planning Policy Framework (NPPF, revised 2023).
- The Conservation of Habitats and Species Regulations 2017 (as amended).
- The Wildlife and Countryside Act (WCA) 1981 (as amended).
- The Countryside and Rights of Way (CRoW) Act 2000.
- The Natural Environment and Rural Communities Act (NERC) 2006.
- The Hedgerow Regulations 1997; and
- The Protection of Badgers Act 1992.

3.3 LOCAL POLICY AND GUIDANCE

Local planning policies relating to ecology and biodiversity are generally based upon national planning policy; conservation of those species protected under the respective legislation (above) and the protection of designated sites. However, relevant local policy and guidance documents are outlined below:

- Kirklees Local Plan 2019.
- Kirklees District Biodiversity Action Plan (BAP).

3.3.1 KIRKLEES LOCAL PLAN 2019

POLICY LP30 - BIODIVERSITY & GEODIVERSITY

The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

South Pennine Moors

Proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.

Statutory Designated Sites

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

The Dark Peak Nature Improvement Area

Proposals that contribute to the aims and objectives of the Dark Peak Nature Improvement Area will in principle be supported, subject to other policies in this plan. Development likely to have an adverse impact on the aims and objectives of the NIA will not be permitted.

Local Designated Sites & Important Local Ecological Features

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

Habitats and Species of Principal Importance

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

Biodiversity and Development

Development proposals will be required to: -

(i) Result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;

(ii) Minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;

(iii) Safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;

(iv) Establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and

(v) Incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

POLICY LP33 - TREES

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

POLICY LP57 - THE EXTENSION, ALTERATION OR REPLACEMENT OF EXISTING BUILDINGS

Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. *in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*

b. *in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*

c. *the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*

d. *the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.*

4 METHODOLOGY

4.1 BACKGROUND

Biodiversity accounting of existing and post-development on-site habitats was undertaken using the Statutory Biodiversity Metric Calculator Tool, as outlined in the metric user guide (DEFRA, 2024). Data collation and the analysis associated with the assessment is detailed below :

4.2 BASELINE ECOLOGICAL ASSESSMENT

A baseline ecological assessment of on-site pre-existing habitats was undertaken from data gathered during an Ecological Walkover Survey visit carried out by Dr. David G. Hemingway (Post Graduate Ecologist, Entotax Consultants UK) and Mr. Malcolm Jedynak (Assistant Ecologist, Entotax Consultants UK) on 22 October 2024.

In order to satisfy the requirements of the Statutory Biodiversity Metric calculations, data was recorded for each habitat type present on-site as follows :

- Habitat type;
- Area/Length (ha/km) using the Minimum Mappable Unit of 25m^2 and 5m;
- Habitat condition;
- Strategic significance; and
- Determining if the habitat specified will be lost, retained, enhanced, succeeded or created, and at what scale.

The habitat map for the site was digitised and interpreted using **QGIS Version 3.38.0-Grenoble** to calculate habitat areas.

4.3 BASELINE IMPACT ASSESSMENT

The baseline habitat plan produced for the proposed development site (drawing number: **EC/24/1150_01**) was overlain with the proposed landscape plan (produced by **KMS Consultants & Associates Ltd.**) and GIS software was then used to calculate the areas of habitat that would be lost to the proposed development. The areas of any retained/enhanced or created habitats proposed as part of the development proposals were also mapped in order to show the areas of proposed on-site compensation. Estimates of future condition, time for establishment and likelihood of success were then calculated using landscaping data (provided by the client) and professional judgement.

4.4 HABITAT ENHANCEMENT AND CREATION

The plan for habitats to be retained, enhanced or created at the proposed development site (drawing number: **EC/24/1150_02**) was overlain with the proposed landscape plan (produced by **KMS Consultants & Associates Ltd.**) and GIS software was then used to calculate the areas of these habitats, including areas of developed land assigned a very low (null) value e.g. buildings and roads etc.. The condition and strategic significance of each habitat was pre-determined using available ecological data or professional opinion about probable value.

4.5 RESIDUAL IMPACTS

The residual impacts of the proposed development were calculated using the Statutory Biodiversity Metric Calculator Tool. The Metric subtracts the pre-development baseline values from the post-development values in order to determine the change in overall habitat value for the application site, taking into account any **Habitat Trading**.

Habitat Trading
The loss of an on-site habitat must be compensated for by the creation or restoration of areas of equivalent or greater distinctiveness value. Guidance produced by DEFRA states that the loss of high distinctiveness areas such as Habitats of Principal Importance (see **The Natural Environment and Rural Communities Act (NERC)**, require compensation in a like-for-like manner i.e. creation or restoration of habitat of the same habitat classification as that impacted. The Metric permits 'trading up' (compensation by creation of habitat of higher distinctiveness) but 'trading down' (compensation by creation of habitat of lower distinctiveness) is not permitted. Therefore, where habitats of higher distinctiveness are present, gains in lower distinctiveness habitats will not reduce the net gain requirement for the proposed development. This also applies to the different main habitat features (habitats, hedgerows or rivers and streams) i.e. hedgerow creation gains will not reduce net gain requirements for either habitats or rivers and streams.

Balance
Where a resulting biodiversity balance is negative, a residual net loss of biodiversity is recorded. Where the resulting biodiversity balance is positive a residual net gain of biodiversity is recorded.

5 STATUTORY BIODIVERSITY METRIC

5.1 APPLICATION OF THE METRIC

The Statutory Biodiversity Metric Assessment for the application site and proposed development was undertaken by ecologists from Entotax Consultants UK and was informed by field survey data gathered during an Ecological Walkover Survey undertaken at the site on 22 October 2024.

5.2 BASELINE SITE VALUE

The area and biodiversity value of each individual habitat type present within the red line boundary of the application site and the total summation value for these habitats has been extracted from the Metric and is provided in the table below :

Table 1. Summary value of on-site baseline habitats.

Ref.	Habitat Type	Area (hectares)	Distinctiveness	Condition	Strategic significance	Ecological Baseline
						Habitat Units
1	Vacant or derelict land	0.074	Low	Poor	Area/ compensation not in local strategy/ no local strategy	0.15
2	Developed land, sealed surface	0.026	Very low	NA	Area/ compensation not in local strategy/ no local strategy	0.00
	Total	**0.10**	-	-	-	**0.15**

Only one Broad Habitat is present at the site and is defined in the Metric as :
URBAN (calculated at 0.10 ha).

Two Habitat Types are present at the site and are defined in the Metric as :
VACANT OR DERELICT LAND (calculated at 0.074 ha).
DEVELOPED LAND, SEALED SURFACE (calculated at 0.026 ha).

Vacant or derelict land
The Vacant or derelict land has been allocated a **Condition** status of **Poor** since it does not qualify as **Open Mosaic Habitat** (see below). A pioneer flora comprising mainly coarse grasses with several typical common ruderal associate species has been developing across the site since demolition of the former Commercial Hotel in 2020. However, the flora is fairly uniform with little structural variation and site is small, isolated and routinely disturbed (by numerous motor vehicles), and mainly comprises a brick rubble substrate with very little overlying soil. As such, it is unlikely to significantly improve ecologically over time. The Metric has automatically allocated this habitat as of **Low distinctiveness** but the habitat

condition has been input as **Poor** since it satisfies only **1** of the following **3** Condition Assessment Criteria:

Table 2. Condition Assessment Criteria for Vacant or derelict land present within the application site boundary.

Condition Assessment Criteria		**Criterion Passed (Yes/No)**	**Notes (e.g. justification)**
A	Vegetation structure is varied, providing opportunities for vertebrates and invertebrates to live, eat and breed. A single structural habitat component or vegetation type does not account for more than 80% of the total habitat area.	NO	Underlying brick rubble covers >80% of the site with a uniform developing flora of coarse grasses together with several common ruderal associate species accounting for >80% of the total habitat area.
B	The habitat parcel contains different plant species that are beneficial for wildlife, for example flowering species providing nectar sources for a range of invertebrates at different times of year.	NO	Coarse grasses with several common ruderal associate species account for >80% of the total habitat area. The species present have a common and restricted flowering period and therefore offer resources (such as nectar and pollen) to a very limited range of invertebrates.
C	Invasive non-native plant species (listed on Schedule 9 of WCA[1]) and others which are to the detriment of native wildlife (using professional judgement)[2] cover less than 5% of the total vegetated area[3]. **Note - to achieve good condition, this criterion must be satisfied by a complete absence of invasive non-native species (rather than <5% cover).**	YES	Buddleja *Buddleja davidii* is gradually developing around the site periphery and is a highly invasive species recognised as detrimental to the built environment. Ideally this species should be added to Schedule 9 of the WCA and removed where encountered.

Open Mosaic Habitat (OMH)
In order to qualify as OMH the area of open mosaic habitat must be **at least 0.25 ha in size.** Since the floristic habitat developing within the application site boundary is calculated at a maximum of 0.074 ha, the site does not qualify as OMH and the habitat type has therefore been input into the Metric as **Vacant or derelict land.**

In determining whether Open Mosaic Habitat (OMH) is present within the application site boundary, the site should meet **all** the criteria listed in the UK Biodiversity Action Plan criteria for Open Mosaic Habitats (Biodiversity Reporting and Information Group, 2010) and a site should only be regarded as OMH if it fulfils **all** the criteria, which can be determined from the survey data (see below) :

Definition and criteria for field recognition of the habitat

The main source of evidence for this definition came from a Defra research project, Riding *et al*. (2009). Their proposed definition was very slightly amended by the inter-agency working group, in consultation with Defra and some members of their project steering group.

Each of these criteria must be met.

	Criterion
1.	The area of open mosaic habitat is at least 0.25ha in size.
2.	Known history of disturbance at the site or evidence that soil has been removed or severely modified by previous use(s) of the site. Extraneous materials/substrates such as industrial spoil may have been added.
3.	The site contains some vegetation. This will comprise early successional communities consisting mainly of stress-tolerant species (e.g. indicative of low nutrient status or drought). Early successional communities are composed of (a) annuals, or (b) mosses/liverworts, or (c) lichens, or (d) ruderals, or (e) inundation species, or (f) open grassland, or (g) flower-rich grassland, or (h) heathland.
4.	The site contains unvegetated, loose bare substrate and pools may be present.
5.	The site shows spatial variation, forming a mosaic of one or more of the early successional communities (a)–(h) above (criterion 3) plus bare substrate, within 0.25ha.

Developed land, sealed surface

This habitat is generally considered to be of little biodiversity importance although occasionally rupestral plants such as some fern species may be present on older built structures e.g. old walls.

5.3 THE WEST YORKSHIRE WILDLIFE HABITAT NETWORK

The application site for the proposed development lies outside the West Yorkshire Wildlife Habitat Network with the habitats present classified in the metric as “Area/ compensation not in local strategy/ no local strategy”.

6 IMPACT ASSESSMENT

6.1 HABITAT RETENTION, ENHANCEMENT AND LOSS

The development proposals for the application site comprise the construction of a commercial unit (Vehicle Software Diagnostics Centre).

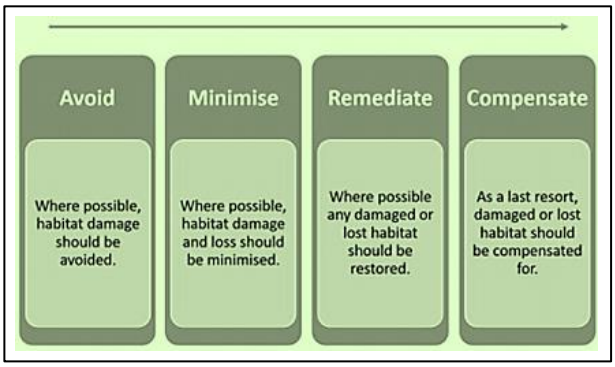
Application of the Metric indicates that the development proposals will result in a retention of **0.00** habitat units and enhancement of **0.00** habitat units. The Metric also indicates that the development proposals will result in a total loss of **low distinctiveness, poor condition** habitat (classified as Vacant or derelict land) calculated at **0.15** habitat units. The values of each on-site individual habitat type retained, enhanced or lost to the proposed development have been derived from the Metric and are provided in the table below :

Table 3. Summary of on-site baseline biodiversity habitat value due to retention, enhancement and loss.

Ref.	Habitat Type	Retained		Enhanced		Lost	
		Area (hectares)	Units	Area (hectares)	Units	Area (hectares)	Units
1	Vacant or derelict land	0.00	0.00	0.00	0.00	0.074	0.15
	Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.074**	**0.15**

6.1.1 HABITAT RETENTION

Development proposals should always aim to **avoid** impacts by retention or should aim to **minimise** impacts by strategic planning in conjunction with appropriate mitigation that significantly limits or reduces habitat loss, damage or disturbance. Unavoidable impacts should be mitigated by **remediation** of any damaged or degraded habitat, and unavoidable residual impacts that remain after avoidance or mitigation should **compensate** for damaged or lost habitats. Development proposals should apply the Mitigation Hierarchy (**British Standards Institution (BSI), 2013**) shown below :



6.1.2 PROPOSED HABITAT ENHANCEMENT

The proposed development will **not facilitate any enhancement** of the on-site habitats present within the red line boundary of the site.

6.1.3 HABITAT LOSS

The proposed development will result in a **loss** of on-site vacant or derelict land (low distinctiveness, poor condition habitat) within the red line boundary of the site.

6.2 PROPOSED HABITAT CREATION

The proposed development will result in the **creation** of the following habitats within the red line boundary of the site :

Developed land, sealed surface;
Vegetated garden;
Urban tree (12 small individual trees).

The value of all habitats to be created within the red line boundary of the application site are summarized below :

Table 4. Summary value of proposed habitat creation.

Ref.	Habitat Type	Area (hectares)	Distinctiveness	Condition	Strategic significance	Habitat Units
1	Developed land, sealed surface	0.06	V. Low	NA	Area/ compensation not in local strategy/ no local strategy	0.00
2	Vegetated garden	0.01	Low	NA	Area/ compensation not in local strategy/ no local strategy	0.02
3	Urban trees	(0.0041 x 12)	Medium	Moderate	Area/ compensation not in local strategy/ no local strategy	0.15
	Total (areas excluding trees)	**0.07**	-	-	-	**0.17**

6.2.1 DEVELOPED LAND, SEALED SURFACE

The Metric automatically allocates developed land, sealed surface as being of **very low distinctiveness**, **non-applicable condition** and a **biodiversity value** of **0.00** habitat units.

6.2.2 VEGETATED GARDEN

The Metric automatically allocates vegetated garden as being of **low distinctiveness**, **non-applicable condition** requiring no specified management, with the development proposals calculated as having a **biodiversity value** of **0.02** habitat units.

6.2.3 URBAN TREES

The Metric automatically allocates urban trees as of **medium distinctiveness.** All the proposed urban trees have been given a target condition input of **Moderate** and must aim to satisfy **3 or 4** of the following **6** Condition Assessment Criteria :

Table 5. Condition Assessment Criteria for Urban trees.

	Condition Assessment Criteria
1	More than 70% of trees (or 70% within a block) are native species.
2	Tree canopy is predominantly continuous with gaps in canopy cover comprising less than 10% of the total area and no individual gap being in excess of 5m width.
3	More than 50% of trees are mature or veteran.
4	There is little or no evidence of adverse impacts upon tree health due to anthropogenic activities (human interventions) e.g. vandalism, detrimental agricultural practice (herbicide use etc.) and no regular pruning regime, so that trees attain and retain more than 75% of anticipated canopy for their age range and height.
5	Natural ecological micro-habitat niches for birds, mammals and invertebrates are present or encouraged such as loose bark, tree cavities, decaying/dead wood.
6	Trees are immediately adjacent to other vegetation with more than 20% of tree canopy oversailing vegetation below.

6.3 STRATEGIC SIGNIFICANCE

The application site lies outside the West Yorkshire Wildlife Habitat Network with the habitats designated as “Area/compensation not in local strategy/ no strategy.”

6.4 SUMMARY OF NET IMPACTS

The summary of net impacts calculated by the Metric in biodiversity units is presented below :

Table 5. Summary of Net Impacts.

	Biodiversity Units
Total habitat biodiversity units present on-site pre-development	0.15
Total habitat biodiversity units lost due to proposed development	0.15
Total habitat biodiversity units proposed on-site by retention, enhancement and/or creation	0.17
Total Habitat Net Loss/Gain	**+0.02**

From the Summary of Net Impacts (above), a **Total Habita Net Gain** of +**0.02** habitat BU will result from the development proposals. This is equivalent to a **net gain** of **+14.67%**. The Proposed Development satisfies the Trading Rules as no **unit deficits have been generated across distinctive units.**

7 CONCLUSIONS

- (1) The **NPPF** states that where a biodiversity impact cannot be avoided or mitigated, compensation measures must be provided. If compensation cannot be achieved on-site by avoidance, mitigation or by habitat creation or enhancement, then off-site compensation measures will be necessary.

- (2) The **Biodiversity Accounting Assessment** for the proposed development determines that the development will result in a **net gain** of **+0.02** habitat Biodiversity Units (**+0.02 BU**), equivalent to a **net gain** of **+14.67%**. The development proposals therefore satisfy **Trading Rules**.

- (3) Since the proposed development has achieved an **on-site biodiversity net gain** by habitat creation, off-site compensation (habitat creation and/or enhancement) is not required.

- (4) Additional details of the Statutory Biodiversity Metric calculations and associated condition criteria can be found within the Statutory Biodiversity Metric Calculator Tool and the **Statutory Biodiversity Metric Habitat Condition Assessment Sheets** (MS Excel spreadsheets) accompanying this report.

- (5) Any future changes to the development proposals will require revision of the conclusions and recommendations within this report and will require a recalculation of the impact assessment elements using the most up-to-date biodiversity metric.

8 REFERENCES

Biodiversity Metric

The British Standards Institution (BSI). 2013. Biodiversity – Code of practice for planning and development.

Business and Biodiversity Offsets Programme (BBOP). 2012. Standard on Biodiversity Offsets.

CIEEM, CIRIA & IEMA. 2016. Biodiversity Net Gain: Good practice principles for development.

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Department for Levelling Up, Housing and Communities & Ministry of Housing, Communities and Local Government. 2019. Guidance: Natural environment.

Ministry for Housing Communities and Local Government. (2021). National Planning Policy Framework.

UKHab. 2023. The UKHab Classification System Version 2.01.

Legislation

Wildlife and Countryside Act (WCA) 1981 (as amended).

The Conservation of Habitats and Regulations (CHSR) 2017.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Natural Environment and Rural Communities (NERC) Act 2006.

Environment Act 2011.

Protection of Badgers Act 1992.

Countryside and Rights of Way Act 2000.

9 APPENDICES

APPENDIX 1

BASELINE HABITAT PLAN

The **Baseline Habitats Pre-Development Plan** produced for the proposed development site (drawing number **EC/24/1150_01**) is provided as ancillary document : EC/24/plans2024/92495.

APPENDIX 2
HABITAT CREATION PLAN

The **Habitat Creation Plan** produced for the proposed development site (drawing number **EC/24/1150_02**) is provided as an ancillary document : EC/24/plans2024/92495.

APPENDIX 3
GOOD PRACTICE PRINCIPLES FOR DEVELOPMENT

The adoption and adherence to Best Practice principles as set out in **Biodiversity Net Gain: Good practice principles for development (CIEEM, 2016)** below :

Principal 1. Apply the Mitigation Hierarchy.

Principal 2. Avoid losing biodiversity that cannot be offset by gains elsewhere.

Principal 3. Be inclusive and equitable.

Principal 4. Address risks.

Principal 5. Make a measurable Net Gain contribution.

Principal 6. Achieve the best outcomes for biodiversity.

Principal 7. Be additional.

Principal 8. Create a Net Gain legacy.

Principal 9. Optimise sustainability.

Principal 10. Be transparent.

APPENDX 4

KIRKLEES BIODIVERSITY ACTION PLAN

The habitats and species listed in the **Kirklees Biodiversity Action Plan (BAP)** can be accessed via the hyperlinks below i.e. **by inserting the cursor anywhere in the hyperlink followed by <ENTER>**.

https://www.kirklees.gov.uk/beta/delivering-services/pdf/biodiversity-habitats.pdf
https://www.kirklees.gov.uk/beta/delivering-services/pdf/biodiversity-species.pdf

APPENDX 5
AUTHORS

Dr. David G. Hemingway, Senior Consultant Ecologist (Entotax Consultants UK)
(b. 1953)

BSc (Hons.) [1977]. Zoology.
MSc [1979]. Invertebrate Ecology.
PhD [1984]. Invertebrate Toxicology (unpublished thesis : 'Experimental Variables in Ground Beetle (Coleoptera: Carabidae) Predator-Prey Population Relationship Dynamics within Cereal Crop Production Environments').
Fellow Royal Entomological Society [1981].

David joined **Entotax Consultants UK** in 1981 and has more than 40-years' experience in ecological consultancy work, having worked on many ecological projects either directly or indirectly, for a very wide range and for a significant number of clients over a very long period of time. These include Natural England (NE); Countryside Council for Wales (CCW); Scottish National Heritage (SNH); DEFRA; The Highways Agency (HA); The National Trust (NT); The Environment Agency (EA); The Scottish Environmental Protection Agency (SEPA); British Ports Authority (BPA); RSPB; The Wildlife Trusts; numerous Local Authorities (including Kirklees); large commercial companies including UK Coal Mining Ltd. and Lafarge Aggregates Ltd. He has undertaken an extremely large number of ecological projects (ranging from autecological single species surveys to EIAs) and has overseen a very large number of planning applications for commercial and non-commercial clients. He has held licences for most protected species over time but now primarily oversees projects undertaken by Entotax ecologists.

Mr. Malcolm Jedynak, Field Surveyor (Entotax Consultants UK)
(b. 1961)

Malcolm has worked for Entotax Consultants since 2012, having originally been self-employed in the construction industry. He has an extensive knowledge of the built environment and has undertaken numerous projects involving building assessment surveys e.g. surveys for bats as well as undertaking land surveying project work numerous planning application submissions.

10 PROVISIONAL ECOLOGICAL APPRAISAL

10.1 SITE DESCRIPTION AND SURVEY PROTOCOLS

The application site comprises the site of the former (now demolished) Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire WF17 5TH and an area of adjoining hardstanding (buildings and access roads) to the immediate south. The red line boundary for the application site encompasses a total area of 0.10 ha with the area of hardstanding (0.026 ha) to be retained, but the with the remainder of the site (0.074 ha) to be lost to the proposed development. The latter comprises a single habitat (classified as **vacant or derelict land**) and consists of compacted brick rubble (from the previous demolition) now overlaid by a uniform, early successional (pioneer) flora developing across the site. The flora comprises mainly coarse grasses together with common ruderal associate species typical of this habitat type.

The site is small (0.1 ha), isolated and routinely vandalized by human interference, and by motor vehicles using the site as an off-road parking facility. A full Ecological Impact Assessment (EcIA) is not considered to be a mandatory requirement for the planning application and has not been requested by the Local Authority (Kirklees Council). However, a Provisional Ecological Appraisal (PEA) is required in order to ensure that the habitats and other potential ecological receptors to this scheme are taken into consideration and are adequately assessed.

10.2 BACKGROUND AND OBJECTIVES

During October 2024 Entotax Consultants UK (ecological consultants) were commissioned by **KMS Consultants & Associates Ltd.** (agent acting on behalf of the applicant **Mr. Abdul Azeem**) to undertake a Preliminary Ecological Appraisal (PEA) and supporting Biodiversity Accounting Assessment (BAA) in order to determine the comparative measure of habitat retention, enhancement or creation required to achieve a minimum mandatory Biodiversity Net Gain (BNG) of 10%. The Metric determines biodiversity loss (due to development impacts) and biodiversity gain (due to habitat retention, enhancement or creation) in terms of Biodiversity Units (BU). The aims of this section of the report are to inform the proposed development by :

- Determining the ecological baseline conditions of the application site by undertaking appropriate survey of all the habitats present.

- Determining the likelihood of the presence/absence of species of biodiversity/nature conservation importance at the site (wherever possible), and provision of appropriate mitigation (where necessary) prior to commencement of the proposed development;

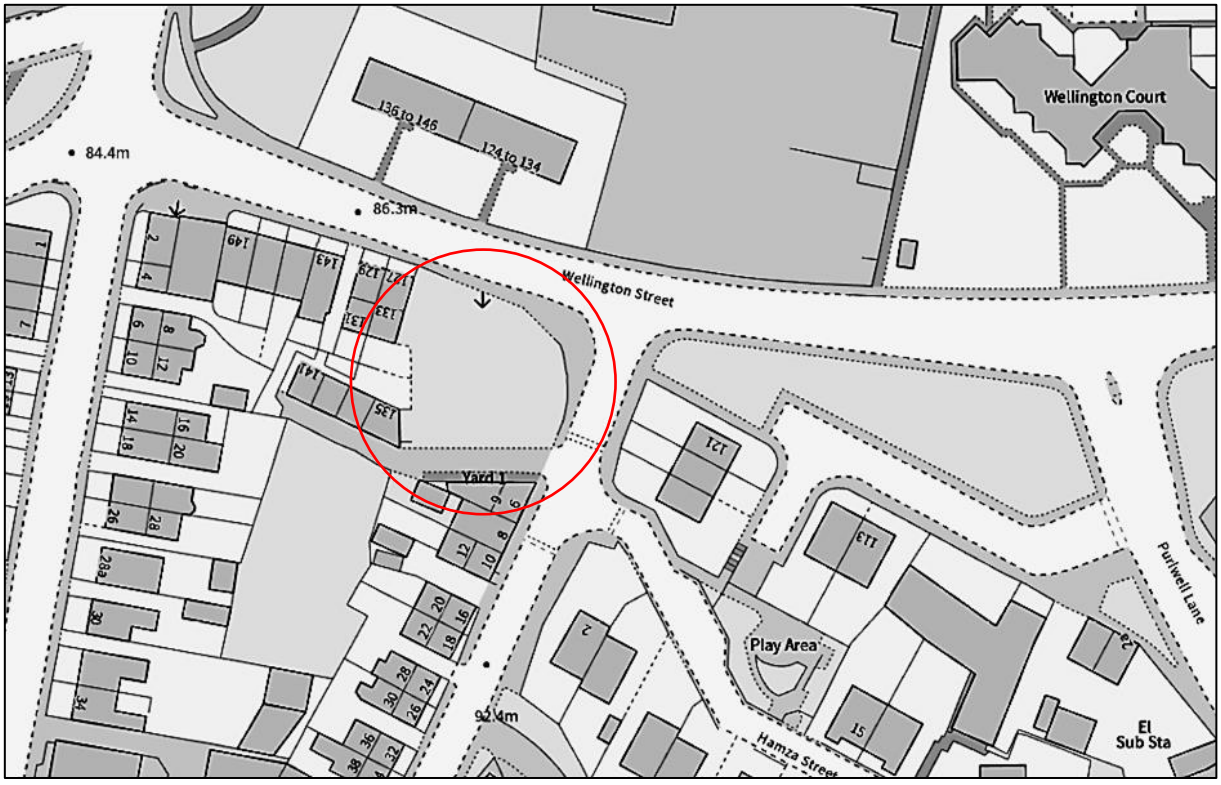
- Provision of a report to Kirklees Council (Planning Services) detailing the results of the Preliminary Ecological Appraisal (PEA) and supporting Biodiversity Accounting Assessment

(BAA) in conjunction with submission of the relevant Statutory Biodiversity Net Gain Metric for the site.

10.3 APPLICATION SITE LOCATION

The application site lies proximal to Batley town centre (approx. 60m to the southeast of the Healey Lane (B6123), Mayman Lane (B6123), Wellington Street and Clerk Green Steet road junction, and to the immediate west of the Wellington Street junction with Dark Lane). The site lies within 1 km national grid reference square SE 2324 (Central National Grid Reference: SE 23865 24019 = 423865E 424019N) at an altitude of approx. 90m Above Ordnance Datum (AOD).

Figure 1: Application Site Location



The application site lies within a highly urbanized landscape surrounded by residential development to the immediate south, east and west and with industrial development to the immediate north. The wider environs support significant areas of green open space to the northwest, southwest and southeast. The habitats within the application site red line boundary are shown in **Appendix 1.**

10.4 CHOICE OF SURVEY

The initial visit made to the proposed development site on 22 October 2024 determined that the habitats present on-site were of sufficiently limited size (0.10 ha in total) and were sufficiently uniform (lacking structural complexity) as to be easily surveyed by an Ecological Walkover Survey & Evaluation.

10.5 DESK STUDY

A data search for internationally, nationally and locally designated statutory sites for nature conservation was undertaken using the Multi-Agency Geographic Information for the Countryside (MAGIC) website. A search radius of 6 km from the site centroid was undertaken for internationally designated statutory sites and a corresponding search of 2 km from the site centroid for nationally and locally designated statutory sites. A search for Habitats of Principal Importance (HPIs) on or near the proposed development site was also undertaken using MAGIC. Close proximity aerial photographs were screened for presence of any waterbody within 500m of the application site boundary in order to assess the application site for potential presence of protected amphibian species.

10.6 ECOLOGICAL WALKOVER SURVEY METHODOLOGY

The Ecological Walkover Survey was undertaken on 22 October 2024 by two Entotax ecologists (between 10:30hrs. and 13:00hrs.) when the site was mapped, and the habitats present at the site were systematically surveyed and assessed. A plant survey was also undertaken at the site and the national, regional and local status of the plant species recorded. A semi-quantitative assessment using the Standard DACFOR methodology was also undertaken for the species recorded. On-Site habitats were also surveyed for the presence (or field signs indicating presence) of protected or notable (e.g. Kirklees BAP) species of amphibians, reptiles or mammals.

All on-site habitats were mapped and classified using the standard UK Habitat Classification and methodology (UK Habs Ltd., 2023). The list of plant species was compiled in accordance with methodology required to establish UK Habitat Classification types up to at least level 3 (to levels 4 or 5 wherever possible). Plant species nomenclature follows that of Stace (2010).

Habitats of priority importance were recorded (where present) and habitats were classified and assessed in terms of both their nature conservation importance and their potential to support protected and/or notable species. Invasive plant species were also mapped as recorded.

The results of the Ecological Walkover Survey & Evaluation are fully discussed in the relevant sections of this report, which details the findings of the surveys in respect of the proposed works and describes the methodologies used throughout this process. Measures to avoid, compensate or mitigate potentially significant adverse impacts upon species of biodiversity/nature conservation importance are included as appropriate.

10.7 CAVEAT

The baseline conditions described in this report were accurate at the time when the walkover survey was undertaken. Should conditions on-site significantly change prior to the commencement of the development proposals, an updated survey will be required.

10.8 SURVEY CONSTRAINTS

There were no limitations to the survey in terms of weather conditions.

22 October 2024

Weather conditions throughout the duration of the survey were fine & dry.
Temperature: mild (12.0°C to 13.0°C max.).
Cloud cover: passing cloud otherwise bright with sunny spells).
Wind: light breeze (approx. 10.0 mph) more or less constantly from southwest.
Humidity: 80-85%.
Environmental Data: environmental data was generated throughout the survey by a
Ubibot WS1-PR-GSM WiFi Cloud Data Logger

Temperature sensor (-20°C to +60°C).
Humidity sensor (0-100%).
Ambient light sensor (0 to 83 klux).

The survey was undertaken at sub-optimal time of year for identifying many plant species and some species may have been missed due to seasonal constraints. However, the majority of the application site consisted of brick rubble supporting a somewhat uniform, early pioneer flora comprising mainly coarse grasses and common ruderal species, together with an area of hardstanding. As a consequence, misidentification of habitats is not considered to be a significant constraint and there were no limitations to the survey in terms of access (the Ecological Walkover Survey was undertaken within the red line site boundary which is surrounded by hardstanding – buildings and roads).

11 RESULTS & EVALUATION

11.1 HABITATS

Two Habitat Types are present at the site and are classified as :
VACANT OR DERELICT LAND (calculated at 0.074 ha).
DEVELOPED LAND, SEALED SURFACE (calculated at 0.026 ha).

- There is no woodland habitat, scrub habitat, trees, shrubs (other than several small, juvenile Buddleja *Buddleja davidii* present around the site periphery) or hedgerows present on, or immediately bordering the application site.

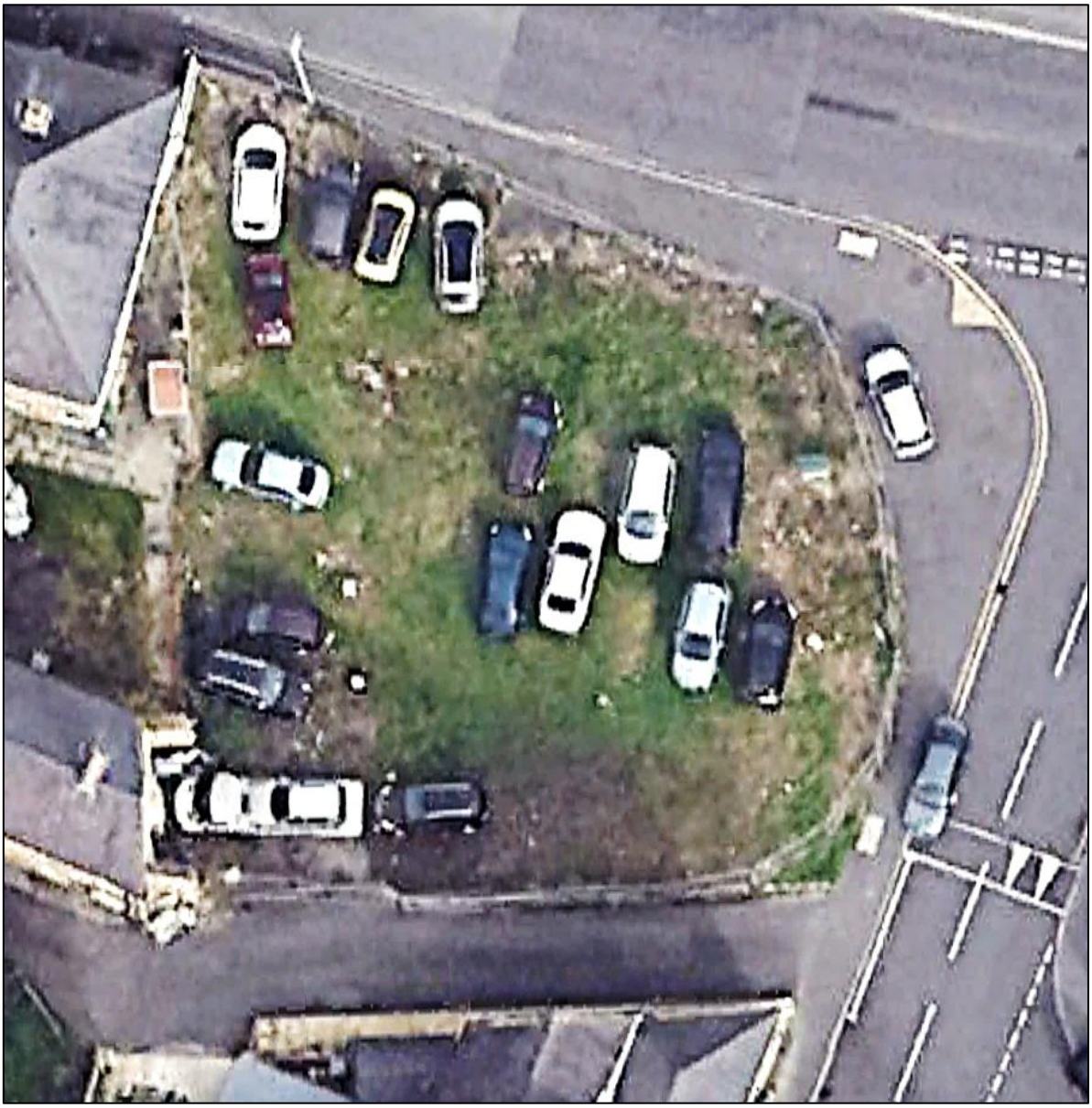
- There are no waterbodies on the site or within 500m of the application site boundary.

- There is no grassland habitats *per se* present on, or immediately bordering the application site.

Vacant or derelict land
The Vacant or derelict land is considered to be poor in terms of its ecological value. A pioneer flora comprising mainly coarse grasses with several typical common ruderal associate species has been developing across the site since demolition of the former Commercial Hotel in 2020. However, the flora is fairly uniform with little structural variation and the site is small, isolated and routinely disturbed (by numerous motor vehicles), and mainly comprises a brick rubble substrate with very little overlying soil. As such, it is unlikely to significantly improve ecologically over time.

Aerial Site Photograph (A1) : Former Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire.

Aerial photograph of application site showing post-demolition intermittent usage by motor vehicles.



Site Photograph (1) : Site of former Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire.
Proposed development site viewed from the southern site boundary (looking towards Wellington Street (centre) and Dark Lane (far right). [north-northeast perspective].

Site Photograph (2) : Site of former Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire.
Southeastern corner of proposed development site (looking towards Dark Lane) showing brick rubble from demolition of former hotel and developing early successional (pioneer) vegetation [due east perspective].

Site Photograph (3) : Site of former Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire.
Northeastern corner of proposed development site (looking towards Wellington Street/Dark Lane road junction) showing brick rubble from demolition of former hotel and developing early, successional (pioneer) vegetation [northeast perspective].

11.2 FLORA

A Plant Survey was undertaken in order to determine the plant species present at the site. The primary aim of the Plant Survey was to identify important plant communities or scarce species present within the site boundary. The Results of the Plant Survey are presented in Table 1 (below). Garden escapes and planted ornamentals are included on this list as appropriate.

All plant species recorded during the survey follow the nomenclature as detailed in Stace (2005) and adopted by the Botanical Society of the British Isles (BSBI).

Plant species recorded were classified according to the **DACFOR** methodology of abundance ratings, the standardized terms being as follows:

D = Dominant
A = Abundant
C = Common
F = Frequent
O = Occasional
R = Rare

The relative spatial distribution of the plant species recorded from the site during the plant survey is provided as follows :

di = diffusely spread
lo = localised

Table 1: Results of Plant Survey undertaken at the former Commercial Hotel, 125 Wellington Street, Batley, West Yorkshire (22 October 2024).

TREES & SHRUBS	**BSBI**	**DACFOR**	**di/lo**	**Comments**
Butterfly-bush *Buddleja davidii*	4428	F	di	mainly around periphery
FIELD LAYER (herbs)				
Creeping Buttercup *Ranunculus repens*	344	O	di	
Common Nettle *Urtica dioica*	554	F	di	mainly around periphery
Common Chickweed *Stellaria media*	864	O	lo	
Common Sorrel *Rumex acetosa subsp.*	1109	F	di	
Broad-leaved Dock *Rumex obtusifolius*	1172	F	di	
White Clover *Trifolium repens*	3117	C	di	
Ribwort Plantain *Plantago lanceolata*	4410	O	di	
Greater Plantain *Plantago major*	4406	R	lo	southern periphery
Burdock *Arctium minus agg.*	5003	F	di	
Dandelion *Taraxacum officinale agg.*	5370	F	di	
Daisy *Bellis perennis*	5824	O	di	
Common Ragwort *Senecio jacobaea*	5945	O	di	
FIELD LAYER (grasses)				
Perennial Rye-grass *Lolium perenne*	6746	R	lo	
Common Couch *Elytrigia repens*	7043	R	lo	
Wall Barley *Hordeum murinum*	7060	R	lo	large stand near south periphery
Cock's-foot *Dactylis glomerata*	6813	C	di	
False Oat-grass *Arrhenatherum elatius*	6846	F	di	mainly around periphery
Yorkshire-fog *Holcus lanatus*	6875	F	di	mainly around periphery
19				

A total of 19 plant species were recorded from within the site boundary during the Ecological Walkover Survey. The species recorded are all common species that can be readily found within the near-wider environs.

11.3 PROTECTED & NOTABLE (KIRKLEES BAP) SPECIES

11.3.1 BIRDS

There is no habitat suitable for breeding birds present at the proposed development site although there will be feeding resources for birds such as seeds and insects that may associate with the site, but the site is only of value for birds at the immediate local level.

11.3.2 AMPHIBIANS

There is no habitat suitable for breeding protected amphibian species such as **Great Crested Newt** *Triturus cristatus* within the proposed development site boundary although there is potential presence of Common Toad *Bufo bufo* that could take refuge under loose rubble etc. The lack of aquatic habitat features within the application site boundary precludes the presence of breeding amphibians with the nearest potential breeding habitat more than 500m distant. It is therefore highly unlikely that protected amphibians will be a receptor to this scheme.

11.3.3 REPTILES

There is no habitat suitable for reptiles such as **Grass Snake** *Natrix natrix* within the proposed development site boundary. The majority of the vegetated brick rubble habitat at the site has been compacted and offers no refugia for reptiles. It is therefore highly unlikely that reptiles will be a receptor to this scheme.

11.3.4 MAMMALS

There are no built structures within the site boundary that will be impacted by the development proposals and as such, the risk to protected mammal species such as **bats** is considered to be *de minimis.* There is a potential presence of **Hedgehog** *Erinaceus europaeus* at the site and hedgehogs could therefore be a receptor to this scheme. Hedgehogs are primarily nocturnal and often go unnoticed during daylight hours. A fingertip search for hedgehogs is therefore recommended immediately prior to, and during any site clearance activity.

11.3.5 INVERTEBRATES

A number of invertebrate species are likely to be receptors to this scheme, in particular flightless or weakly dispersive species. Noticeable species such as large ground beetles should be removed and released in nearby suitable habitat if encountered during the fingertip search for hedgehogs.

12 LIMITATIONS OF SURVEY

This report has been prepared and provided in accordance with **British Standard 42020: Biodiversity – Code of practice for planning and development 2018** and CIEEMs **Code of Professional Conduct**.

This report should not be seen in any way as the definitive ecological survey of the former Commercial Hotel site – it presents a description and assessment of the site on the basis of the data gathered. However, it is considered more than adequate to make a reasonable assessment as to the presence/absence of species of nature conservation importance, and the risk of any significant negative impact upon these species as a result of the development proposals.

13 PREDICTED IMPACTS

13.1 HABITATS

It is understood from the drawings provided by **KMS Consultants & Associates Ltd.** (agent acting on behalf of the applicant **Mr. Abdul Azeem**) that the proposed development will comprise the construction of a commercial facility (Vehicle Software Diagnostics Centre), with associated hard and soft landscaping. The demolition of the former hotel has left the site in an unsuitable condition for the requirements of the proposed new facility, and the development proposals necessitate the total clearance of all existing vacant or derelict land habitat (0.074 ha) with a total loss of the existing flora.

The species recorded from the site during the Ecological Walkover Survey are all common and widespread species of low biodiversity/nature conservation significance. However, there will be a resultant residual loss of feeding opportunities for a wide range of species due to the proposed development and the creation of new habitat (vegetated garden and urban trees) should include species providing pollen, nectar, seeds and fruits over as long a seasonal period as possible.

13.2 VERTEBRATES

The predicted risk to birds, amphibians (with the exception of toads), reptiles and mammals (with the exception of hedgehogs) is considered to be sufficiently low as to warrant limited mitigation. This should take the form of a fingertip search for toads and hedgehogs and their removal to appropriate, suitable habitat.

13.3 INVERTEBRATES

The predicted risk to highly mobile invertebrates is considered to be sufficiently low as to warrant no specific mitigation. However, flightless or weakly dispersive species are far more likely to suffer significant impacts that are difficult to avoid.