

Preliminary Ecological Appraisal

LAND AT OLNEY STREET, SLAITHWAITE,
HUDDERSFIELD, HD7 5EG

Prepared for

P Coletta and R Stynes

3rd July 2025

Version 1

Report prepared by Miranda Cowan Ecology Ltd. BSc (Hons), PGCert FdSc, MCIEEM (Bat Class licence WML – CL17-2021-52426), FISC 4.

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Grid reference	SE 080 143
Report prepared by	Miranda Cowan Ecology Limited. (Company Number: 10282266), BSc (Hons), PGCert FdSc, MCIEEM (Bat Class licence WML – CL17-2021-52426), FISC 4.
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Data supplied by the client is assumed as correct. No responsibility can be accepted by Miranda Cowan Ecology Ltd. for inaccuracies in the data supplied by any other party. The conclusions and recommendations in this report are based on the assumption that all relevant information has been supplied by those bodies from whom it was requested.

Field surveys have been carried out, these have been restricted to a level of detail required to achieve the stated brief of the work. No part of this report may be copied or duplicated without express permission of Miranda Cowan Ecology Ltd. and the party for whom it was prepared.

The survey and reporting have been completed in accordance with the CIEEM Professional Code of Conduct, with the aim of upholding their objectives and the reputation of the profession.

Executive Summary

This Preliminary Ecological Appraisal (PEA) has been prepared on behalf of P Coletta and R Stynes, who are seeking planning permission for development of two residential dwellings at Land at Olney Street, Slaithwaite, Huddersfield, HD7 5EG.

There are two designations within the search area, including Peak District Moors SPA, SAC and SSSI, and the Huddersfield Narrow Canal Local Wildlife Site (LWS). Due to distance of the designations and the presence of barriers such as built infrastructure and absent of hydrological pathways, the proposed small-scale development will not impact upon the designations.

Site habitats included u1b Developed land; sealed surface and u1f Sparsely vegetated urban land. These on-site habitats are of low ecological value, with the Site understood to be exempt from a Biodiversity Net Gain (BNG) assessment.

There was no evidence of protected or notable species on site, with a single concrete fabricated garage assessed as 'None' value for roosting bats. There was no shrubs or trees to accommodate the potential for nesting birds.

The Site does not fall within Kirklees Wildlife Habitat Network, although is within a Biodiversity Opportunity Zone¹ for Valley Slopes and a Bat Alert Zone. The position of the Site based on these local environmental allocations provides good reasoning for habitat and faunal species enhancement in line with the Kirklees Local Plan – Allocations and Designations (adopted 27th February 2019).

Further details relating to biodiversity enhancement are described in Section 4 of this PEA. Subject to planning consent this will include:

- **Habitat enhancement:** a new hedgerow to be planted on Sites west or north boundary with up to 5 native shrubs and planting of herbaceous plants to benefit pollinating insects.
- **Species Enhancement:** a bat roosting box and nest box for swifts, as defined in Appendix C.
- **Bats:** low level directional lighting to safeguard potential commuting and foraging habitat.
- **General best practice:** not leaving trenches uncovered to prevent trapping fauna.

¹ <https://mapping.kirklees.gov.uk/connect/analyst/mobile/#/main?mapcfg=Local%20Plan%20Public>

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1. Introduction

1.1 Context

This Preliminary Ecological Appraisal (PEA) has been prepared on behalf of P Coletta and R Stynes (hereafter the 'client'), who have submitted a Full Planning Application (2025/91478) for the development of two residential dwellings located at land adjacent to Olney Street, Slaithwaite, Huddersfield, Kirklees, HD7 5EG. **Appendix A** includes the site location plan, with the proposal area being centred on SE 080 143.

A survey to inform this PEA was completed on the 26th of June 2025 by Miranda Cowan Ecology Limited (FISC 4, Bat Level 1 and GCN survey licence, FISC 4, Full member of MCIEEM and Technician of the Arboricultural Association).

1.2 Site Description

The Site shown as **Appendix A** is located on the north-western fringe of Slaithwaite, within a residential area and a complex of allotments to the north. Situated within a lowland context, the Site sits at 174m (568 ft) altitude and equates to approximately 0.35ha, comprising of 0.25ha owned by the Client and 0.1ha rented from Kirklees Council.

The National Character Area (NCA)² is 37 Yorkshire Southern Pennine Fringe, relating to a transitional landscape between upland and lowland areas, with strong valley forms and industrial towns and villages.

1.3 Proposed Development

The proposal³ relates to a pair of semi-detached dwellings and associated landscaping. The garden will integrate rented land from Kirklees Council, available for purchase by the client following 12 months of residential occupation. A current garage on site will be removed to accommodate the development.

The proposal includes provision for biodiversity enhancement, with reference to swift *Apus apus* nest boxes on the gable elevations, a native hedgeow along the rear boundary of the property and ornamental gardens. Other features for climate change resilience include rainwater harvesting and integrated solar panels.

1.4 Preliminary Ecological Appraisal Objectives

The objectives of this PEA include:

- To provide survey baseline information on the habitats and species present, or likely to be present within the proposal Site.
- Identify potential ecological opportunities and constraints relative to the proposal Site.
- Identify habitats and features for retention or enhancement within the core proposal extents and measures for biodiversity enhancement.
- Identify additional survey requirements and / or potential mitigation measures specific to the proposal Site.

1.5 Legislation and Policy

Legislation and national planning policy pertinent to the application Site is included as **Appendix B**. The site is covered by the Kirklees Local Plan – Allocations and Designations (adopted 27th February 2019) which comprises of policies to facilitate decision making relating to new developments and where should they be located relative to safeguarding rural spaces.

² <https://nationalcharacterareas.co.uk/#profiles>

³ Elizabeth Parr . Architect (no date). Design and Access Statement.

2. Methodology

2.1 Desk study

Table 1 lists data sources that were consulted and reviewed to inform the field survey and potential effects of the proposal.

Table 1: Desk Study Data Sources

Data source	Ecological feature	Search area
Multi-Agency Geographic Information for the Countryside (MAGIC) website ⁴	International Statutory designated sites for nature conservation: Ramsar, Special Areas of Conservation (SAC), Special Protection Areas (SPA).	10 km
	National Statutory designated sites for nature conservation: Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Local Nature Reserves (LNRs).	2km
	Habitats of Principal Importance (HoPI) ⁵ and Ancient Woodlands.	2km
	Granted European Protected Species Mitigation (EPSM) licences.	2km
West Yorkshire Ecology Services (WYES) (June 2025)	Non-statutory designated sites for nature conservation: Local Wildlife Sites (LWSs).	2km
	Relevant records of protected and priority flora and fauna ⁶ .	2km
	Review of the Bat Alert Zone relative to the Site.	
Kirklees online mapping for allocated sites: https://mapping.kirklees.gov.uk/	To search for local Environmental Designations such as Wildlife Habitat Network and Biodiversity Opportunity Zones.	2km
Online Ordnance Survey OS) maps and publicly available satellite imagery.	Information on habitats (including ponds) and habitat connectivity relevant to the assessment of protected and priority species.	500m

2.2 Habitat Survey

Habitats were characterised using the UKHab classification system⁷, with the condition assessment of habitats carried out against criteria described in the Statutory Metric Condition Assessment Sheets⁸.

The site was searched for Invasive Non-Native Species (INNS) as listed under Schedule 9 (Part II) of the Wildlife and Countryside Act (1981, as amended).

⁴ <https://magic.defra.gov.uk/>

⁵ Habitats of Principal Importance for nature conservation in England listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; and habitats listed in Greater Manchester Biodiversity Action Plan.

⁶ 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 (Amendment) (EU Exit) Regulations 2019; 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 Lowland Derby 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.

⁷ UKHab Ltd (2023). UK Habitat Classification – Version V2.0 (at <https://ukhab.org/>).

⁸ DEFRA, (2024). The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment Sheets and Methodology July 2024 (V1.0.2).

2.3 Protected Species Survey and Assessment

Methodologies for the searches and scoping of notable and protected faunal species are outlined in **Table 2**.

Table 2: Scoping for notable and protected species methodologies.

Species	Methodology
Bats	A Preliminary Roost Assessment (PRA) was applied to any Site buildings and trees according to standard methodology ⁹ Potential roosting features associated with structures, potential flightpaths and foraging habitats were graded as either none, negligible, low Moderate or High. Trees were further defined as FAR (Further Assessment Required) or None (Either no PRFs in the tree or highly unlikely to be any).
Badger <i>Meles meles</i>	In accordance with the National Badger Survey ¹⁰ a search of up to 30m from the site was undertaken for badger setts and associated field activity; runs, prints, latrines and hairs caught on fences. Any setts identified were categorised as a main, subsidiary or outlier and further identified as being active, partially active or disused. Due to the legal protection of badgers and potential risk of badger baiting, the location of setts are not included in this PEA.
Riparian Mammals	Where watercourses were present a search for water vole <i>Arvicola amphibius</i> and otter <i>Lutra lutra</i> was undertaken. Survey methodology adhered to the 'Water Vole Conservation Handbook', the <i>Water Vole Mitigation handbook</i> ¹¹ and <i>River Habitat Management</i> ¹² .
Amphibians	Where ponds were identified within 500m of the site they were assessed ¹³ (where accessible) for their suitability to support great crested newts (gcn) <i>Triturus cristatus</i> and other notable amphibian species.
Birds	Habitats were assessed for their potential to accommodate nesting birds between March to August, inclusive. Any bird seen to be building or occupying a nest was recorded.
Reptiles	In accordance with the ' <i>Herpetofauna Workers Manual</i> ' ¹⁴ the site was assessed for its reptile potential; variations in local topography / surface geology and refuge / hibernation opportunities.
Other Fauna	Site features were assessed for other potential notable faunal species that offer significant contributions to biodiversity, i.e. hedgehog <i>Erinaceus europaeus</i> , and potential for diverse invertebrate populations.

⁹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London.

¹⁰ Harris S, Cresswell P and Jefferies D (1989). *Surveying Badgers*.

¹¹ Strachan R, Moorhouse T, Gelling M (2011) Water Vole Conservation Handbook. (3rd Ed) Wildlife Conservation Research Unit.

¹² National Rivers Authority (1993). Otters and River Habitat Management. Conservation Technical Handbook, Number 3.

¹³ Oldham *et al.* (2000). Evaluating the Suitability of Habitat for Great Crested Newt (*Triturus cristatus*).

¹⁴ Gent and Gibson (2003) Herpetofauna Workers Manual.

3. Survey Findings

3.1 Designated Sites

Table 3 includes two designations, including Peak District Moors SPA, SAC and SSSI, and the Huddersfield Narrow Canal Local Wildlife Site (LWS). Due to distance of the designations and the presence of barriers such as built infrastructure and absent of hydrological pathways, the proposed development will no impact upon the designations.

The Site does not fall within a Wildlife Habitat Network, although is within a Biodiversity Opportunity Zone¹⁵ for Valley Slopes.

Table 3: Biological Heritage Sites within 2km radius of the Site

Designation	Description	Relevance to Site
Peak District Moors (South Pennine Moors Phase 1 (UK9007021) SPA, SAC & SSSI	Extensive tract of upland, 300 elevation. Designated for diverse and extensive mosaic of upland habitats, including European dry heath, blanket bog, wet heath and sessile oak woodland. Largest extent of unenclosed moorland within West Yorkshire, with blanket bog, species rich acid grassland, flushes & mires, wet & dry heath. Notable bird species present as listed for the SPA.	3.4 km from the Site and positioned at a higher elevation with no terrestrial or hydrological pathways.
Huddersfield Narrow Canal LWS 38	11.39 ha of waterways traversing through Kirklees Rural from Huddersfield to Marsden. Designated for standing open water, value for appreciation of nature. Positioned at 134m elevation. canal stretch, including – <i>Typha latifolia</i> , <i>Phalaris arundinacea</i> , <i>Equisetum fluviatile</i> , <i>Juncus effusus</i> , <i>Potamogeton</i> , <i>Carex</i> , <i>Callitriche</i> , <i>Filipendula ulmaria</i> , <i>Chrysosplenium oppositifolium</i> , <i>Epilobium hirsutum</i> , <i>Equisetum fluviatile</i> , <i>Equisetum palustre</i> , <i>Glyceria maxima</i> , <i>Lythrum salicaria</i> , <i>Mentha aquatic</i> , <i>Rorippa nasturtium aquaticum</i> and <i>Iris pseudacorus</i> .	274 m directly south and located at a lower elevation. Due to the small-scale nature of the development and the presence of a railway line and residential housing between the Site and the LWS, no direct or indirect impacts are likely to arise from the development.

3.2 Notable Habitats

There are no notable habitats that are terrestrially or hydrologically connected with the site. The nearest Priority habitat (deciduous woodland) is located 300m east and associated with the railway line and separated from the Site by residential housing.

3.3 European Protected Species Licensing

There are two granted European Protected Species Licences (EPSL) for bats, each within Kirklees Bat Alert Zone. Review of aerial imagery reflects the presence of high value habitat associated with the records, including the River Colne and rural context such as Barrett Clough of Wilberlee village.

Table 4: Bat European Protected Species Licences

EPSL Ref	Date	Species	Actions of Licence	Relevance to Site
201405943-EPS-MIT	31.08.2015	Common & Soprano pipistrelle	Allowing damage and destroying of a resting place	0.5 km south-west, Britania Road, central Slaithwaite, close to the River Colne. Within Bat Alert Zone.
2015-16841-EPS-MIT	09.12.2015-08.12.2020	Common pipistrelle	Destroying a resting place	1.5 km north-west, Wilberlee village. Within Bat Alert Zone.

¹⁵ <https://mapping.kirklees.gov.uk/connect/analyst/mobile/#/main?mapcfg=Local%20Plan%20Public>

3.4 Habitats

Figure 1 (Appendix A) illustrates the arrangement of site habitats with photographic plates included as Table 5. Site habitats and features include the following:

- **u1b6 Developed land; sealed surface:** small areas of concrete and a single fabricated garage.
- **u1f Sparsely vegetated urban land:** this habitat has developed over previously developed land amongst recently disturbed soil. Exposed soil equates to approximately 60% of the area with self-seeded plant species comprising pineapple weed *Matricaria discoidea* as a dominant species, with abundant to frequent white clover *Trifolium repens*, smooth thistle *Sonchus oleraceus*, rosebay willowherb *Chamerion angustifolium*, creeping thistle *Cirsium arvense*, creeping bent *Agrostis stolonifera*, broadleaved doc *Rumex obtusifolius*, false oat-grass *Arrhenatherum elatius.*, field bindweed *Convolvulus arvensis*, dandelion *Taraxacum officinale* agg., broadleaved plantain *Plantago major*.

Table 5: Photographic Plates

Plate 1: Site overview	Plate 2: u1f Sparsely vegetated urban land
	
Plate 3: u1b6 Developed land; sealed surface.	Plate 4: Garage on site.
	

3.5 Protected and Notable Fauna

Bats: There were 86 desk study returns for bats (date range 1989-2020). Most records related to pipistrelle species *Pipistrellus* spp. with 2 brown long-eared bat, 4 noctules *Nyctalus noctule* and 1 brandt's bat *Myotis brandtii*. The closest record to the site was for a common pipistrelle bat detector recording, located close to Huddersfield Narrow Canal, c. 250m south.

A single concrete fabricated garage with a single-lined corrugated roof was graded as 'None' value for roosting bats. Table 6, Plates 5-8 illustrate the external and internal aspects of the garage. Fabricated concrete where it meets with the upper wooded section was firmly sealed, with no gaps between the structural joins and therefore absent of Potential Roost Features (PRF). The front of the garage had degraded panelling which had superficial dry gaps beneath and no evidence of roosting bats or droppings.

Internally, the garage was fully sealed with the corrugated roof being single lined. No evidence of bat roosting or droppings.

The immediate Site was graded as having 'Low' bat commuting and foraging habitat, although allotments to the north of the Site provided suitable bat commuting and foraging potential of moderate value. The Site is within Kirklees Bat Alert Zone.

Table 6: Photographic Plates

<p>Plate 5: Front view of garage</p>	<p>Plate 6: Upper wood panelling on side of garage, absent of gaps.</p>
	
<p>Plate 7: Internal view of garage.</p>	<p>Plate 8: Upper internal wood panelling and single lined corrugated roof.</p>
	

Badger: There was no significant desk study returns for badger and no badger setts or field activity (runs, foraging, latrines) were observed during the survey. The site had negligible potential for sett excavation.

Riparian mammals: No significant records relating to water vole *Arvicola amphibius* or otter *Lutra lutra* due to there being no water courses within or hydrologically linked to the Site. Both water vole and otter are assessed as absent.

Amphibians: No records for GCN or ponds within 500m of the site. No desk study records. MAGIC did not highlight any GCN class licence returns for pond surveys within 500m.

Birds: Relative to site habitats and general environment of the Site, the most significant desk study records included swallow *Hirundo rustica* and swift *Apus apus* (250m from Site, 2020). Neither of this species were observed at the time of the field survey.

There were no suitable habitat features within the site to accommodate bird nesting from March to August, inclusive. The garage on site did not retain any features that could accommodate nesting birds.

Reptiles: No desk study returns for reptiles with the disturbed and small character of the Site not supporting suitable features for reptiles to seek shelter, hibernation or basking. Reptile species are therefore assumed as absent.

Other fauna: records for hedgehog within the search area, with the most suitable habitat being associated with the allotments. No potential for otter within the Site itself, entirely absent of shelter or hibernation opportunities.

4. Evaluation and Recommendations

4.1 Habitats

The current character of the site is a sparse cover of common and widespread plants typical of disturbed ground, with small areas of hardstanding and a single fabricated garage. There are no designations or priority habitats that are terrestrially or hydrologically connected to the Site, with allotments immediately north of the Site providing the best complementary opportunity for on-site biodiversity enhancement.

Planting of a native hedgerow on the Sites western or north boundary would enhance habitat connectivity with the allotments, with further opportunity to establish a garden with a variety of flowering herbs that are beneficial for pollinating insects.

Native hedgerows of conservation value regularly support five or more species. The desirable mix of species for the Site would include hawthorn *Crataegus monogyna*, hazel *Coryllus avellana*, guelder rose *Viburnum alba*, field maple *Acer campestre*, crab apple *Malus sylvestris* and dog rose *Rosa canina*.

A list of example plant species favourable for pollinating insects are listed as **Table 6**.

Table 6: Photographic Plates

Species English	Species Latin	Character
Bugle	<i>Ajuga reptans</i>	Native perennial herb up to 15cm, flowering from April to July. Will tolerate damper ground conditions.
Common knapweed	<i>Centaurea nigra</i>	Tall perennial herb up to 60 cm, flowering from June to September. Very high value to butterflies.
Crocus species	<i>Iridaceae</i>	Low growing plant suitable for early emerging pollinating insects.
Field scabious	<i>Knautia arvensis</i>	Native tall perennial herb up to 80 cm, flowering from July to September.
Fox glove	<i>Digitalis purpurea</i>	Tall native plant that will grow in soil and gaps in stones, flowering June to September and generally favoring acidic soil. A valuable source of pollen for bees.
lavender	<i>Lavandula spp</i>	Ornamental species with high pollinating potential.
marjoram	<i>Origanum vulgare</i>	Native aromatic herb, a good nectar source for insects.
Self-heal	<i>Prunella vulgaris</i>	Low-growing perennial herb up to 20cm, flowers from June to October.
Snow drops	<i>Galanthus nivalis</i>	Low growing plant suitable for early emerging pollinating insects.
Perforate St johns-wort	<i>Hypericum perforatum</i>	Tall perennial herb up to 60-80cm, flowering June to September.
Rosemary	<i>Salvia rosmarinus</i>	Ornamental species with high nectar value.
vipers-bugloss	<i>Echium vulgare</i>	Nectar-rich for honeybees and other pollinating insects.
Yarrow	<i>Achillea millefolium</i>	Perennial growing up to 30cm, flowering June to November.

4.2 Protected and Notable Fauna

Field survey to inform the PEA confirmed absence of protected and notable species, with the Site offering negligible potential for species. There were no boarding or tipped material on Site under which small fauna such as amphibians could seek shelter. As such, no additional surveys are recommended for the proposal.

In accordance with local policy any new development should seek opportunity for species enhancement. **Appendix C** includes a Species Enhancement Statement for bats and swift.

Where planning permission is granted, the Site should be subject to general best construction practice, including:

Bats: potential nighttime commuting and foraging bat flight lines are not to be disturbed from artificial lighting. Where lighting is required for the development, provision of low impact lighting¹⁶ should therefore be integrated to avoid impacts on bat foraging:

- Type of lamp: using low- or high-pressure sodium instead of mercury or metal halide lamps;
- Use of UV filters/glazing;
- Light levels: Within standards for safety and security, light levels should be at the minimum required;
- Timing: Use of timers and/or movement sensors to ensure lighting is only used when required;
- Minimising light spill by design of luminaire and use of accessories such as hoods, cowls louvres and shields; and
- Use directional lighting to avoid illuminating potential commuting corridors and foraging habitat, such as the allotments to the north of the Site.

General best practice

- Any open pipework or trenches left overnight shall be capped or have a ramp / scaffolding board placed within them to prevent faunal species from becoming trapped, i.e. hedgehog.
- Should any protected or notable species be found, or are suspected of being present, during the undertaking of preparation and construction activities, works shall cease, and an ecologist notified for further advice.

¹⁶ New guidance on lighting in respect of bats is due to be published on the 27th of February 2023.

5. Conclusion

The proposal Site is of low ecological value due to predominantly reflecting evidence of recent disturbance with low-growing sparsely vegetated ground and developed land. Relative to the Site character there was negligible potential for notable and protected species. No additional ecological surveys are required for the Site and subject to planning approval, the Site will need to subject to the following requirements:

- **Habitat enhancement:** new hedgerow on Sites west boundary within up to 5 native shrubs and planting of herbaceous plant for pollinating insects.
- **Species Enhancement:** for bats and swifts, as per Appendix C.
- **Bats:** low level directional lighting to safeguard potential commuting and foraging habitat.
- **General best practice:** not leaving trenches uncovered to prevent trapping fauna

6. Appendices

Appendix A: Figures

Site Location Plan (supplied by agent)

Figure 1: Baseline Habitats

NOTES

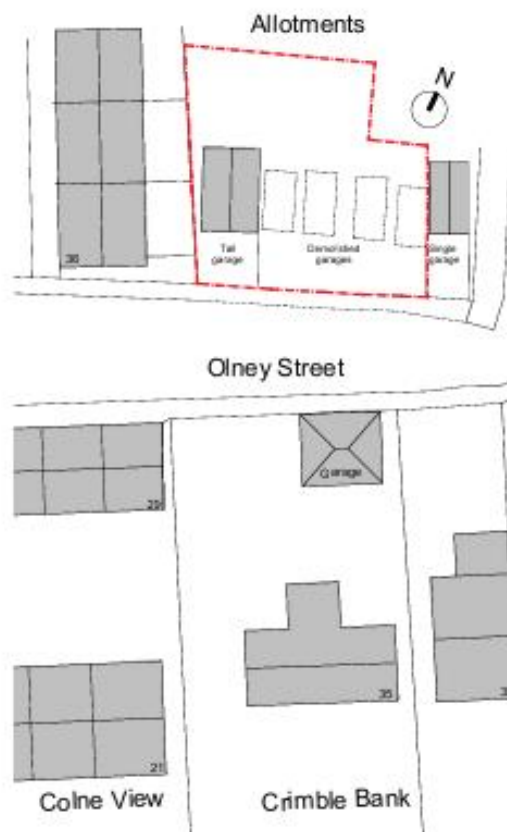
- Do not scale from this drawing.
- This drawing is copyright.
- All dimensions to be checked on site prior to the order or manufacture of any goods.

Revisions:

A: Redline boundary amended June '25



Location Plan 1:1250



Site/Block Plan 1:500
Existing

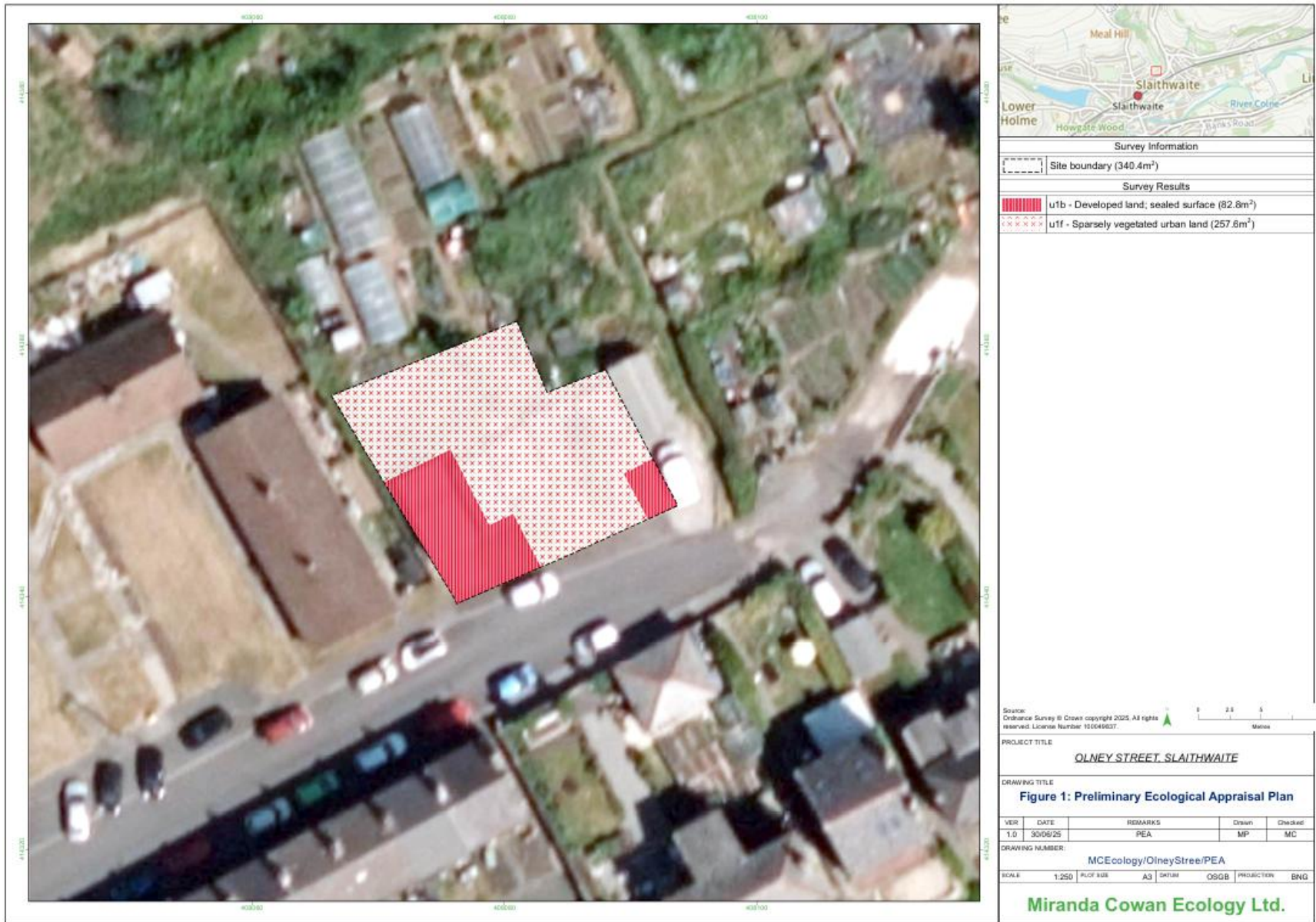
Elizabeth Parr . Architect

35 Meadow Lane, Slaithwaite, HD7 5EX

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E: elizabethparr.architect@gmail.com

Land off Olney Street : 2 Semi-detached Dwellings : As Existing
Mr & Mrs P Coletta, 122 Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LX
Dwg ref: PC/OS2/P01 rev A : Scale 1:1250 / 500 @ A4 : February 2025



Appendix B: Policy and Legislation

Policy

Natural Environment and Rural Communities Act 2006

Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 Habitats of Principal Importance (HoPI) and 943 Species of Principal Importance (SoPI) (often referred to as 'priority habitats' and 'priority species' respectively) which were initially identified as requiring conservation action under the UK Biodiversity Action Plan (UKBAP) and which continue to be regarded as priorities under the UK Post-2010 Biodiversity Framework. The Section 41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under Section 40 of the Natural Environment and Rural Communities Act 2006 "to have regard" to the conservation of biodiversity in England, when carrying out their normal functions.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in 2012 and last updated in December 2024¹⁷. 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 2021¹⁸ and 2024 update. The Government Circular 06/2005¹⁹ - Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System, remains valid and is still referenced within the NPPF.

The NPPF encourages the planning system to contribute to and enhance the natural and local environment 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 stipulates that Local Authorities, when determining planning applications, should apply the following:

- *"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;*
- *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."*

¹⁷ Department for Levelling Up, Housing and Communities (2023): National Planning Policy Framework.

¹⁸ Ministry of Housing, Communities and Local Government. (2021): National Planning Policy Framework

¹⁹ Department of Communities and Local Government (2005): Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

UK Biodiversity Framework 2024

The UK Biodiversity Framework (UKBF) published in May 2024 supersedes the previous Framework (the UK Post-2010 UK Biodiversity Framework), which was developed following agreement of the Convention on Biological Diversity (CBD) Strategic Plan for Biodiversity 2011-202 and the 'Aichi targets'.

The UKBF has been developed in response to the Kunming-Montreal Global Biodiversity Framework (GBF), agreed at the Fifteenth Conference of the Parties of the CBD in December 2022. The UKBF has been produced through the Four Countries' Biodiversity Group which is the lead governance body for the UKBF, and which includes representatives from DAERA, Defra, Scottish Government, and Welsh Government, with JNCC providing an independent secretariat role. Through the UKBF the four countries will agree on activities where joint action between the four countries is required to implement the GBF.

Guidance

National Planning Practice Guidance, 2024

The Government's National Planning Practice Guidance (NPPG)²⁰ 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 (published 2019), which explains key issues in implementing policy to protect biodiversity, including local requirements.

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

The British Standard Institute BS 42020 offers a coherent methodology for biodiversity management in line with UN Aichi targets²¹.

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 minimise impact.

Developments should also take opportunities, where practicable, to enhance biodiversity corridors / networks beyond the site boundary.

Protected Species Legislation

Amphibians

Common species of amphibian (smooth newt *Lissotriton vulgaris*, palmate newt *Lissotriton helveticus*, common frog *Rana temporaria* and common toad *Bufo bufo*) are partially protected by the Wildlife and Countryside Act (WCA) (as amended) 1981. This prohibits the trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy) of these species.

Great crested newts *Triturus cristatus* in England are protected under the Conservation of Habitats and Species 2019 (as amended) Regulations and the WCA (as amended). In summary, taken together, it is an offence to deliberately, intentionally or recklessly:

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

²⁰ Department for Communities and Local Government (2024): National Planning Practice Guidance. DCLG, London.

²¹ <https://www.cbd.int/sp/targets/>

Bats

All bat species in England are protected by the Conservation of Habitats and Species 2019 (as amended) Regulations & 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/protection & disturbing bats occupying such as place.

Badgers

Badgers and their setts in England are protected under the Protection of Badgers Act 1992. Under Section 3, it is an offence to:

- a) damage a badger sett or any part of it;
- b) destroy a badger sett;
- c) obstruct access to, or any entrance of, a badger sett;
- d) disturb a badger when it is occupying a badger sett,
- e) intend to do any of those things or be reckless as to whether those actions would have any of the consequences listed above.

Birds

The level of protection afforded to birds under the law varies from species to species. 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.

Reptiles

All native reptiles in England 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 (considered relevant to this site) such as common lizard *Zootoca vivipara*, slow worm *Anguis fragilis*, grass snake *Natrix helvetica* 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). It is not an offence under the WCA 1981 (as amended) to disturb or possess these species.

Otter

Otters are protected under the WCA 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), Regulation 43. It is an offence to:

- Damage destroy or obstruct access to any structure or place which otter may use for shelter or protection;
- Disturb otter while it is occupying a structure or place which it uses for shelter or protection;
- Deliberately take, injure or kill an otter;
- Intentionally or recklessly disturb an otter;

Water Voles

Water voles are protected under the Wildlife and Countryside Act 1981 (as amended) This makes it an offence to intentionally or recklessly kill, injure, possess or control them. It is also an offence to intentionally or recklessly damage or destroy a structure or resting place used for shelter or protection by water voles, disturb them in a place of shelter or protection or obstruct access to a place used for shelter or protection.

There are no licensing purposes that explicitly cover development or other construction activities which could have an impact on water voles. When development work is proposed in or near an area which is either known to or likely to contain water voles, the developer will need to implement mitigation to prevent impacts to water voles. The preferred mitigation option is to leave water voles in situ, with the development adopting avoidance measures.

Where impacts cannot be avoided, operations aimed at displacing water voles from a development site are now no longer covered by the "incidental result of an otherwise lawful action" defence in the Wildlife and Countryside Act 1981 (as amended). Displacement of water voles now needs to be undertaken under a licence.

In England, small scale (limited to continuous lengths of bank not exceeding 50 m) displacement of water voles can be carried out at certain times of the year (February to April) for the purposes of conservation under a Class Licence by a registered person. For larger scale displacements or displacements outside of this period, displacement can be undertaken under a site-specific conservation licence.

Where it is considered that the best outcome for water voles is capture and translocation to a different location then this action is considered by Natural England to be outside the scope of the defence as the intentional capture of water voles is unlikely to be considered 'incidental'. In these circumstances there may be genuine grounds for issuing a conservation licence for the purpose of translocating the water vole population to suitable alternative habitat.

Other Mammals

Hedgehogs are listed under the Wildlife and Countryside Act 1981 (Schedule 6) therefore, it is illegal to kill or capture hedgehogs unless they are suffering or need to be rehabilitated then released back into the wild. They are also protected under the Wild Mammals Protection Act (1996) which states that 'it illegal to treat a hedgehog cruelly'. Furthermore, the NERC Act lists hedgehogs as a species of 'principal importance' which public bodies have a duty of responsibility' to protect.

Appendix C: Species Enhancement Statement

Provision for Bats

Up to one bat roosting box and one swift nest box would be suitably positioned on east gable, with the swift box at a higher elevation below the apex eaves and the bat box slightly low closer to the low roof section, at the closest position to the allotments.

The bat box to be based on the Bat Conservation Trust recommendations: <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes/external-ready-made-bat-boxes-integrated-bat-boxes>. This relates to a durable bat box supplied by Greenwood Ecohabitats: <https://www.greenwoodsecohabitats.co.uk/bats-boxes>, see below:

Two Crevice Bat Box - designed for small groups of crevice dwelling bat species, such as common and soprano pipistrelles and daubenton's *Myotis daubentoniid* as a species that feeds over open water.

Specifications -

External: 44 high x 22 wide x 10 deep

Internal: 41 x 17 x 1.8 crevices @ 2

Weight approx. 8kg, Position 4-7m above ground.

Artificial external lights are to be directed away from the bat box.

Do not position above windows.



Provision for swifts

One swift box sourced from <https://www.nestbox.co.uk/products/swift-nest-box>

Swift Nest Box – designed specifically for swifts.

Single compartment nesting area accessed through an oval entrance hole in overhanging front panel.

28mm x 65mm oval entrance.

It's important that there is a substantial clear drop beneath the front of the box so swifts have an uninterrupted flight path.

Do not position above windows.

