

Huddersfield Bus Station (Phase 2) – Biodiversity Net Gain Assessment (Update)

BWB Consulting Ltd

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Contents

Executive Summary	3
1. Introduction	4
1.1 Background	4
1.2 Biodiversity Net Gain Assessment	5
1.3 Relevant Legislation & Policy	5
2. Methodology	6
2.1 Background	6
2.2 Biodiversity Metric Inputs	6
2.3 Biodiversity Metric Calculations	8
2.4 Trading Rules	8
2.5 Assumptions and Limitations	9
3. Findings and Evaluation	10
3.1 Baseline Habitats	10
3.2 Post Development Biodiversity	11
3.3 Net Change in Biodiversity	12
4. Discussion and Recommendations	13
4.1 Summary of Biodiversity Net Gain Delivery	13
4.2 Recommended Changes	13
4.3 Off-Site Compensation	13
4.4 Habitat Management and Monitoring	13
4.5 BNG Principles	13
5. References	14
Figure 1: Baseline Habitat Map	16
Figure 2: Post Development Habitat Map	17
Appendix 1: BNG Good Practice Principles	18
Appendix 2: BNG Policy and Legislation	20
Appendix 3: Completed Habitat Condition Assessment Sheets	23

Executive Summary

Cura Terrae Land and Nature Limited (Ltd) (Cura Terrae) (formerly Ecus Ltd (Ecus)) was commissioned in May 2025 by BWB Consulting Ltd to undertake an update Biodiversity Net Gain Assessment (BNGA) for Huddersfield Bus Station, Upperhead Row, Huddersfield, HD1 1JN, central Ordnance Survey National Grid Reference (NGR): SE 14204 16569, hereafter referred to as 'the Site' and as displayed in Figure 1.

This update BNGA has been carried out to determine the anticipated change in biodiversity value of the Site based upon the proposed development and associated post development habitats, using the Department for Environment, Food & Rural Affairs (DEFRA) 'The Statutory Biodiversity Metric' (SBM) (February 2024).

Post development, the proposed habitats on Site produced a biodiversity value of 0.40 Habitat Units (HU), representing an increase of 0.10 HU which equates to a 33.53% net gain, which exceeds the statutory requirement for 10% net gain post development. Despite this, the trading rules for the SBM have not been met due to the proposed tree planting not being enough to offset losses of trees at the Site post development.

In order to satisfy the trading rules as set out in the SBM, the loss of urban trees is required to be compensated with 'Same broad habitat or a higher distinctiveness habitat required'. As such, it is recommended that additional urban trees are planted to that already proposed to the minimum value of 0.01 HU in order to satisfy the trading rules for the Site post development. At the time of writing, off-site compensation through direct delivery of off-site habitat enhancements at a suitable location (agreed between the client and the Local Planning Authority) involving a mutually agreed financial contribution towards the maximum value of 0.01 HU will be secured.

The production of a Biodiversity Gains Plan (BGP) and Habitat Management and Monitoring Management (HMMP) is required to ensure the Site habitats deliver the habitat scores listed within this BNGA. This includes management of post development habitats to the habitat type and condition required to deliver the BNG outcome specified in accordance with the condition assessment methodology.

1. Introduction

1.1 Background

- 1.1.1 Cura Terrae Land and Nature Limited (Ltd) (Cura Terrae) (formerly Ecus Ltd (Ecus)) was commissioned in May 2025 by BWB Consulting Ltd to undertake an update Biodiversity Net Gain Assessment (BNGA) for Huddersfield Bus Station, Upperhead Row, Huddersfield, HD1 1JN, central Ordnance Survey National Grid Reference (NGR): SE 14204 16569, hereafter referred to as ‘the Site’ and as displayed in Figure 1.
- 1.1.2 This update BNGA has been carried out to determine the anticipated change in biodiversity value of the Site based upon the proposed development and associated post development habitats, using the Department for Environment, Food & Rural Affairs (DEFRA) ‘*The Statutory Biodiversity Metric*’ (SBM) (February 2024).
- 1.1.3 The proposals comprise the transformation of the bus station, including interior concourse building refurbishment and reconfiguration, changes to the bus circulatory area, improvements to the approach to the bus station off Henry Street, and construction of a new canopy area adjacent to Upperhead Row. This BNGA relates to Phase 2 of the development only, covering the area denoted as the ‘Phase 2 Boundary’ within the Bryan G Hall ‘*Combined Phasing Plan*’ (Drawing Reference: HBS-BGH-Z0-XX-DR-C0024, dated May 2024).
- 1.1.4 Cura Terrae (as Ecus) previously undertook a Preliminary Ecological Appraisal (PEA) of the Site (‘*Huddersfield Bus Station – Preliminary Ecological Appraisal*’ Ref. 21287 V2.0 dated July 2024) (PEA, Ecus 2024) along with habitat condition assessments in order to inform the initial BNGA (‘*Huddersfield Bus Station Phase 2 – Biodiversity Net Gain Assessment*’ Ref. 21287 V2.0 dated July 2024) (BNGA, Ecus 2024). The proposals for Phase 2 of the development have since been updated with soft landscaping proposals taken from Pick Everard ‘*Landscape Masterplan*’ (Drawing Reference: 221655-PEV-XX-00-DR-L-0301(PO4), dated June 2025) and SGP Architects ‘*Proposed Roof Plan*’ (Drawing Reference: 202335-SGP-ZZ-ZZ-DR-A-131102(P12), dated May 2025), both hereafter referred to as the ‘*Proposed Site Plan*’ which covers the area denoted as ‘Phase 2 boundary’ in Figure 1.
- 1.1.5 This report details the results of the updated BNGA using biodiversity metric calculations which have been completed based on the update walkover survey and area calculations of the post development habitats taken from the Site Layout with reasonable estimates and assumptions. The methodologies employed and all survey findings are described along with an evaluation and assessment of the ecological value of the Site. Any recommendations to achieve BNG are also detailed as required.

1.2 Biodiversity Net Gain Assessment

1.2.1 Under the Environment Act 2021, developments are required to achieve 10% Biodiversity Net Gain (BNG) to ensure that biodiversity post development is greater than that present pre-development. BNG calculations are conducted through assessing the condition of habitats on a site and then comparing the anticipated changes in biodiversity value based on the development proposals. A BNGA follows the mitigation hierarchy, which sets out that everything possible must be done to firstly avoid, secondly minimise and thirdly restore/rehabilitate losses of biodiversity on Site. Only as a last resort are residual losses compensated for through biodiversity offsetting, whereby the loss of biodiversity is compensated for via new habitat creation off Site or by paying a financial sum to an offset provider. BNGA reports should adhere to the BNG good practice principles (CIEEM, CIRIA & IEMA (2016) (summarised in Appendix 1).

1.3 Relevant Legislation & Policy

1.3.1 This BNGA has been compiled with reference to the following relevant nature conservation legislation, planning policy and the UK Biodiversity Framework from which the protection of sites, habitats and species is derived in England including:

- UK Government's 25 Year Environment Plan (Defra, 2018);
- Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (Defra, 2011);
- National Planning Policy Framework (NPPF) (DLUHC, 2024);
- The Natural Environment and Rural Communities (NERC) Act (HMSO, 2006);
- The Environment Act (Defra, 2021); and,
- Kirklees Biodiversity Action Plan (LBAP).

2. Methodology

2.1 Background

- 2.1.1 This BNGA uses the industry recognised best practice methodology within the (DEFRA) *'The Statutory Biodiversity Metric User Guide'* (SBM) (July 2024a).
- 2.1.2 The SBM uses habitat features as a measure for the value and importance to nature. The following information on each habitat are required for the metric inputs:
- Type;
 - Area/length;
 - Distinctiveness (automatically calculated);
 - Irreplaceable habitats;
 - Condition; and,
 - Strategic significance.

2.2 Biodiversity Metric Inputs

Habitat Type and Area/Length

Baseline

- 2.2.1 The Site was surveyed on 16th February 2024 by Senior Ecologists Katie Smith BSc (Hons) ACIEEM and James Storey BSc MSc using the UK Habitat Classification System (UK Hab 2.0) (UKHab Ltd., 2023). The habitats present within the Site were identified and classified according to the UK Habitat Classification system which closely aligns with the SBM. The baseline habitats are displayed in Figure 1.
- 2.2.2 The SBM uses a classification system based mainly on the UKHab, with input from other systems including the Water Framework Directive (WFD) Lakes Typology (UKTAG, 2003), the European Nature Information System (EUNIS) habitat type hierarchical view (EEA, 2019), Natura 2000 Annex I habitats (JNCC, 2019) and habitats specific to the SBM.
- 2.2.3 The area/length covered by each habitat type was mapped using the QGIS 3.32.1 Geographical Information System (GIS).

Post Development

- 2.2.4 Proposals for the Site have been analysed and assumed habitats present post development have been based on the Proposed Site Plan and using best knowledge of the likely habitats to be

retained, created and enhanced in accordance with the habitat classification system used by the SBM.

Habitat Distinctiveness

- 2.2.5 For all baseline and post development habitats the distinctiveness of each habitat type is automatically calculated within the SBM.

Habitat Condition

- 2.2.6 The condition of a habitat is a measure of the biological ‘working order’ of a habitat type judged against the perceived ecological optimum state for that particular habitat. The condition assessments were undertaken using the ‘*The Statutory Biodiversity Metric -Technical Annex 1: Condition Assessment Sheets and Methodology*’ spreadsheet (July 2024b).

Baseline

- 2.2.7 Following the UKHab ecological walkover survey at the Site the condition of each habitat type was assessed and categorised as either Good, Moderate or Poor.
- 2.2.8 If a habitat type varied in condition within the Site this was recorded and mapped.
- 2.2.9 Appendix 3 provides the condition assessment forms and criteria for each habitat on the Site.

Post Development

- 2.2.10 The condition of habitats post development has been assigned based on assumptions of likely habitat condition in line with the condition assessment criteria (Defra, 2024b).

Habitat Strategic Significance

- 2.2.11 The SBM accounts for whether the habitat is situated in an area locally identified as significant for nature.
- 2.2.12 Data on areas and habitats locally identified as significant for nature were obtained from the following sources:
- Multi-Agency Geographical Information for the Countryside (MAGIC) website for mapped statutory designated sites (<https://magic.defra.gov.uk/magicmap.aspx>);
 - West Yorkshire Joint Services (WYJS) for data relating to non-statutory designated sites for nature conservation within and adjacent the Site; and,
 - Habitats listed within the Kirklees Biodiversity Action Plan (LBAP).

2.3 Biodiversity Metric Calculations

- 2.3.1 Biodiversity metric calculations provide a numerical score for the value of existing habitats on the Site and their likely value post development in Habitat Units (HU), Hedgerow Units (HeU) and Watercourse Units (WU), in order for the impact of the proposed development to be quantitatively assessed.
- 2.3.2 Using the SBM, habitat values are calculated based on whether they occur commonly or whether they are rare, their area (ha) (or length (km) for linear features such as hedgerows), condition and importance within the local area, usually identified from local relevant planning policies or documents. This gives individual baseline HU, HeU and WU.
- 2.3.3 Individual trees are classified as either Urban Tree or Rural Tree, depending on the extent of urbanisations around them. The size of a tree is either Small, Medium, Large or Very Large, dependent on the diameter at breast height (centimetres). A biodiversity metric area equivalent (hectares) is automatically calculated within the SBM dependent on the tree size, however this area measurement is not included within the total habitat area (in ha) of the Site.
- 2.3.4 The post development value can also be calculated for habitats where factors including time to target condition and difficulty of creation/enhancement are also taken into consideration. The values for area habitats and linear habitats are calculated separately. This provides an overall assessment of the biodiversity net gain or loss as a result of a development. To achieve biodiversity net gain, all three of HU, HeU and WU are treated separately, the individual gains cannot be combined to form an overall gain for the Site.

2.4 Trading Rules

- 2.4.1 The trading rules establish minimum requirements for creating and enhancing habitats to offset specific habitat losses, ensuring no net loss. The SBM considers distinctiveness as described earlier and using this data, SBM applies trading rules that require that any habitat loss is replaced on a 'like for like' or 'like for better' basis. The trading rules are detailed below in Table 1.

Table 1: Trading Rules within the SBM

Distinctiveness Group	Trading Rules
Very High	Bespoke compensation likely to be required
High	Same habitat required

Distinctiveness Group	Trading Rules
Medium	Same broad habitat or a higher distinctiveness habitat required
Low	Same distinctiveness or better habitat required
Very Low	Compensation not required

2.5 Assumptions and Limitations

- 2.5.1 For strategic significance, all habitats on the Site have been considered ‘*Low distinctiveness*’ as they do not qualify as priority habitats, are not listed within the Kirklees LBAP and are not considered to be ecologically desirable based on the location of the Site and surrounding landscape.
- 2.5.2 Calculations are based upon the partial loss of modified grassland, developed land; sealed surface and urban trees to be replaced by introduced shrub, other green roof, urban trees and developed land; sealed surface habitats, and the enhancement of retained modified grassland.
- 2.5.3 The condition of post-development habitats has been estimated based on the criteria within the ‘*The Statutory Biodiversity Metric -Technical Annex 1: Condition Assessment Sheets and Methodology*’ (DEFRA, 2024b) and based on reasonable assumptions for the habitat types taking into account feasibility, the locality, and their extent within the Site.
- 2.5.4 The quantification of biodiversity is one of a number of factors to be considered when assessing the impact of the proposed development on biodiversity. Note that this BNGA does not cover potential impacts of the proposed development on protected species and designated sites. These are outlined within the PEA Report (Ecus, 2024).
- 2.5.5 The information contained within this report is considered valid for a period of 24 months from the date of the February 2024 PEA survey visit (CIEEM, 2019). If the development has not commenced by February 2026, it is recommended that the Site is fully re-surveyed to determine if there have been any significant changes to baseline habitats within that timeframe.

3. Findings and Evaluation

3.1 Baseline Habitats

- 3.1.1 Baseline habitats recorded for the Site comprise Urban – Developed land; sealed surface, Urban – Introduced shrub, Grassland – Modified grassland and Individual trees – Urban tree (see Figure 1).
- 3.1.2 No Hedgerow Units (HeU) or Watercourse Units (WU) were recorded as present at the Site.
- 3.1.3 The total area covering Phase 2 of the works at the Site has been calculated at 0.19 ha. The habitat type, distinctiveness, condition, area and HU of the area habitats are provided within Table 2. Baseline area habitats have a biodiversity value of 0.30 HU.

Table 2: Site Baseline Area-based Habitats, Condition and Habitat Units

Habitat Type	Distinctiveness	Condition	Area (ha)	Habitat Units
Urban – Developed land; sealed surface	Very low	N/A	0.12	0
Urban – Introduced shrub	Low	N/A	0.005	0.01
Grassland – Modified grassland	Low	Poor	0.024	0.05
Individual trees- Urban tree	Medium	Moderate	0.0244	0.20
Individual trees- Urban tree	Medium	Poor	0.0122	0.05
Total Habitat Units (HU)				0.31 ¹

¹ Please note that the sum of the HU in Table 2 varies by 0.01 to that shown in the metric tool. This is due to differences in rounding up and is not statistically significant

- 3.1.4 A summary of the habitat condition assessment criteria passed or failed for habitats where a condition assessment is applicable in the SBM is provided in Appendix 3.

3.2 Post Development Biodiversity

- 3.2.1 The following calculations present a version of the completed biodiversity metric calculations based on the post development proposals shown in the Proposed Site Plan, and reasonable estimates and assumptions. It is anticipated that partial loss of developed land; sealed surface, modified grassland and urban tree (approx. three trees) habitat within the Site will be required to facilitate the Phase 2 of the proposals, with the rest of the habitats on-site being retained.
- 3.2.2 Post development habitat creation has been predicted to include Urban – Developed land; sealed surface, Urban – Other green roof, and Individual trees – Urban tree. Predicted development habitats are mapped in Figure 2.
- 3.2.3 The anticipated habitat type, distinctiveness, condition, area and HU of the post development habitats are provided within Table 3. Post development, the area-based habitats estimated a biodiversity value of 0.40 HU.

Table 3: The Site Post Development Area-based Habitats, Condition and Habitat Units

Habitat Type	Distinctiveness	Condition	Area (ha)	Habitat Units
Retained				
Urban – Developed land; sealed surface	Very low	N/A	0.07	0.00
Urban – Introduced shrub	Low	N/A	0.005	0.01
Individual trees- Urban tree	Medium	Moderate	0.0244	0.20
Created				
Individual trees – Urban tree	Medium	Moderate	0.008	0.02

Habitat Type	Distinctiveness	Condition	Area (ha)	Habitat Units
Urban – Introduced shrub	Low	N/A	0.01	0.02
Urban – Other green roof	Low	N/A	0.05	0.10
Enhanced				
Grassland – Modified grassland	Low	Moderate	0.017	0.06
Total Habitat Units (HU)				0.41 ²

3.3 Net Change in Biodiversity

3.3.1 The proposed development is anticipated to result in a net unit change of 0.10 HU which is a net percentage change of 33.53 %, as detailed in Table 4. The trading rules for the SBM have not been met due to the proposed tree planting not being enough to offset losses of trees at the Site post development.

Table 4: Summary of Biodiversity Net Gain Calculations

Habitat Type	Baseline Units	Proposed Units	Change in units	% Change in Units
Habitat Units (HU)	0.30	0.40	0.10	33.53%

² Please note that the sum of the HU in Table 3 varies by 0.01 to that shown in the metric tool. This is due to differences in rounding up and is not statistically significant

4. Discussion and Recommendations

4.1 Summary of Biodiversity Net Gain Delivery

- 4.1.1 Post development, the proposed habitats on Site produced a biodiversity value of 0.40 HU, representing an increase of 0.10 HU which equates to a 33.53% net gain, which exceeds the statutory requirement for 10% net gain post development. Despite this, the trading rules for the SBM have not been met due to the proposed tree planting not being enough to offset losses of trees at the Site post development.

4.2 Recommended Changes

- 4.2.1 In order to satisfy the trading rules as set out in the SBM, the loss of urban trees is required to be compensated with '*Same broad habitat or a higher distinctiveness habitat required*'. As such, it is recommended that additional urban trees are planted to that already proposed to the minimum value of 0.01 HU in order to satisfy the trading rules for the Site post development.

4.3 Off-Site Compensation

- 4.3.1 At the time of writing, off-site compensation through direct delivery of off-site habitat enhancements at a suitable location (agreed between the client and the Local Planning Authority) involving a mutually agreed financial contribution towards the maximum value of 0.01 HU will be secured. Off-site compensation through planting of urban trees to the value of 0.01 HU would be required in order to satisfy the trading rules as set out in the SBM.

4.4 Habitat Management and Monitoring

- 4.4.1 The production of a Biodiversity Gains Plan (BGP) and Habitat Management and Monitoring Management (HMMP) is required to ensure the Site habitats deliver the habitat scores listed within this BNGA. This includes management of post development habitats to the habitat type and condition required to deliver the BNG outcome specified in accordance with the condition assessment methodology.

4.5 BNG Principles

- 4.5.1 Appendix 1 details the BNG good practice principles (CIEEM, CIRIA, IEMA, 2016) which should be adhered to when undertaking BNG assessments in association with proposed developments. The actions within Appendix 1 should be taken into account throughout the design stage of the development at this Site.

5. References

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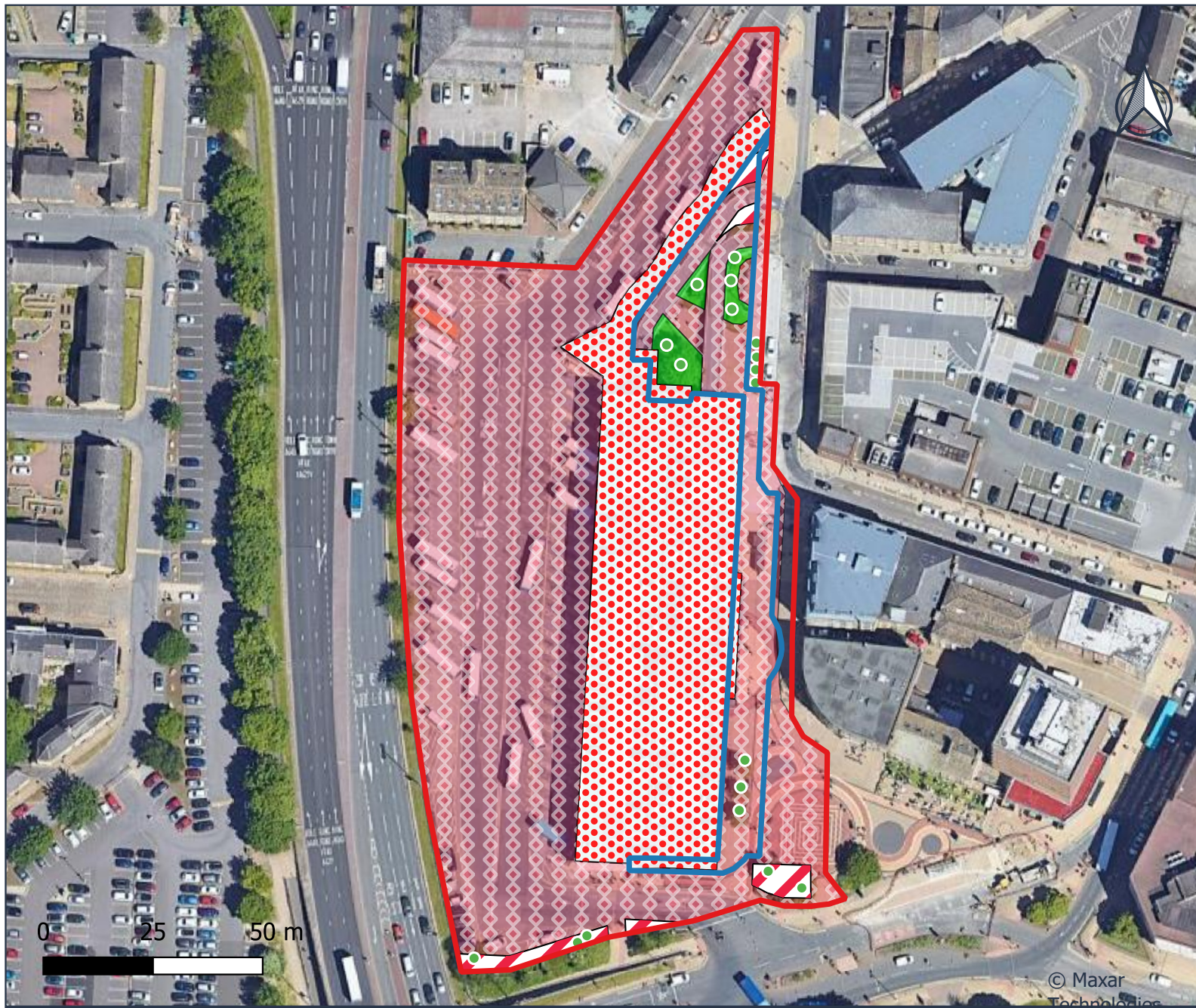
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UKHab Ltd. (2023). '*UK Habitat Classification Version 2.0*' [online]. Last accessed June 2025. Available at <https://www.ukhab.org>

UKTAG (UK Technical Advisory Group). (2003). Guidance on Typology for Lakes for the UK. Water Directive Framework.

Figure 1: Baseline Habitat Map



Legend

- Site boundary
- Phase 2 boundary
- Individual trees - Urban tree
- Grassland - Modified grassland
- Urban - Introduced shrub
- Urban - Developed land, sealed surface
- Urban - Developed land, sealed surface

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Figure 2: Post Development Habitat Map



Legend

- Site boundary
- Phase 2 boundary
- Individual trees - Urban tree
- Grassland - Modified grassland
- Urban - Introduced scrub (proposed)
- Urban - Introduced shrub
- Urban - Developed land, sealed surface
- Urban - Developed land, sealed surface
- Urban - Other green roof

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Appendix 1: BNG Good Practice Principles

The BNG good practice principles are based upon issued joint guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM), the Construction Industry Research and Information Association (CIRIA) and Institute for Environmental Management and Assessment (IEMA) (CIEEM, CIRIA & IEMA (2016 and CIEEM, CIRIA & IEMA 2019).

Principle	Description
1. Apply the mitigation hierarchy	Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.
2. Avoid losing biodiversity that cannot be offset by gains elsewhere	Avoid negative impacts on irreplaceable biodiversity – these impacts cannot be offset to achieve No Net Loss or Net Gain.
3. Be inclusive and equitable	Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible, and share the benefits fairly among stakeholders.
4. Address risks	Mitigate difficulty, uncertainty and other risks to achieving Net Gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.
5. Make a measurable Net Gain contribution	Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
6. Achieve the best outcomes for biodiversity	Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly-justified choices when: <ul style="list-style-type: none"> • Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses; • Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation;

	<ul style="list-style-type: none"> • Achieving Net Gain locally to the development while also contributing towards nature conservation priorities at local, regional and national levels; • Enhancing existing or creating new habitat; • Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity.
7. Be additional	Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).
8. Create a Net Gain legacy	<p>Ensure Net Gain generates long-term benefits by:</p> <ul style="list-style-type: none"> • Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity; • Planning for adaptive management and securing dedicated funding for long-term management; • Designing Net Gain for biodiversity to be resilient to external factors, especially climate change; • Mitigating risks from other land uses; • Avoiding displacing harmful activities from one location to another; • Supporting local-level management of Net Gain activities.
9. Optimise sustainability	Prioritise Biodiversity Net Gain and, where possible, optimise the wider environmental benefits for a sustainable society and economy.
10. Be transparent	Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

Appendix 2: BNG Policy and Legislation

National

UK Government's 25 Year Environment Plan

The UK Government's 25 Year Environment Plan (DEFRA, 2018) states a desire to 'embed a 'net environmental gain' principle for development to deliver environmental improvements locally and nationally' and plans to consult on making Biodiversity Net Gain a mandatory requirement.

On 14th March 2019, Her Majesty's Treasury confirmed that following consultation, the government will use the forthcoming Environment Bill to mandate BNG for development in England, ensuring that the delivery of much-needed infrastructure and housing is not at the expense of vital biodiversity.

Biodiversity 2020: A strategy for England's wildlife and Ecosystem Services

Biodiversity 2020: A strategy for England's wildlife and ecosystem services (DEFRA, 2011) is the national strategy for biodiversity. This sets out an ambition to halt the loss of biodiversity and see an increase in the area of priority habitats by 200,000 ha by 2020. Biodiversity 2020 sets in policy the objectives to improve our wildlife sites, make them bigger, develop more of them and join them up (summarised as 'Bigger, Better, More and Joined').

National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) (DLUHC, 2023) refers to conserving and enhancing the natural environment. This requires Local Authorities in England to take measures to:

Conserve and enhance biodiversity;

Protect the habitats of these species from further decline;

Protect the species from the adverse effect of development; and

Refuse planning permission for development, if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

Although not currently a legal obligation, the NPPF refers to biodiversity and environmental net gains in the following paragraphs:

Transport Infrastructure

- Paragraph 102. "Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

*d) the environmental impacts of traffic and transport infrastructure can be identified assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for **net environmental gains**.*”

Planning Decisions

- Paragraph 120. *“Planning policies and decisions should a) encourage multiple benefits from both urban and rural land ... and taking opportunities to **achieve net environmental gains - such as developments that would enable new habitat creation**.*”
- Paragraph 174. *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and **providing net gains** for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*
- Paragraph 179. *“To protect and enhance biodiversity and geodiversity plans should b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing **measurable net gains for biodiversity**.*”
- Paragraph 180. *“When determining planning applications, local planning authorities should apply the following principles: a) 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; ... and d) ... opportunities to improve biodiversity improvements in and around developments should be integrated as part of their design, especially where this can secure **measurable net gains for biodiversity**.*”

Natural Environment and Rural Countryside Act

The Natural Environment and Rural Countryside (NERC) Act (HMSO, 2006) requires public bodies, including local authorities, ‘to have regard to the conservation of biodiversity in England when carrying out their normal functions’.

Section 40 sets out that:

Paragraph 1. *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”;* and that

Paragraph 3. *“Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”.*

Section 41 sets out that:

Paragraph 1. *“The Secretary of State must... publish a list of the living organisms and types of habitat ... of principal importance for the purpose of conserving biodiversity”* based on consultation with Natural England; and that

Paragraph 3a. Every planning authority must “a) take such steps... to further the conservation of the living organisms and types of habitat included in any list published under this section, or (b) promote the taking by others of such steps”.

Environment Act

Schedule 7a of the Environment Act (HMSO, 2021) makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.

Schedule 7a Part 1 sets out that:

(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of—

(a) the post-development biodiversity value of the onsite habitat,

(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and

(c) the biodiversity value of any biodiversity credits purchased for the development.

(3) The relevant percentage is 10%.

Appendix 3: Completed Habitat Condition Assessment Sheets

Note: The SBM 'Technical Annex 1 - Condition Assessment Sheets and Methodology' (DEFRA, 2024) should be referred to for the descriptions of each condition assessment criteria.

SBM HABITAT CONDITION ASSESSMENT - AREA & LINEAR HABITATS															
Date	16/02/2024			Surveyor name(s)	Senior Ecologists Katie Smith BSc (Hons) ACIEEM and James Storey BSc MSc										
Project/Development Name	Huddersfield Bus Station (Phase 2)			Limitation(s)	None										
Habitat Type	Condition Criterion													TOTAL Condition Criteria PASSED	Condition (Poor, Moderate or Good)
	A	B	C	D	E	F	G	H	I	J	K	L	M		
Baseline															
Developed land; sealed surface														N/A - Other	
Introduced shrub														N/A - Other	
Modified grassland	No	No	Yes	No	No	Yes							2	Poor	
Urban Tree (T1-6)	Yes	Yes	Yes	No	No	Yes							4	Moderate	
Urban Tree (T11-13)	No	Yes	Yes	No	No	No							2	Poor	