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Ecological

*Grounded advice*

# 42 Robin Royd Lane, Mirfield



## Biodiversity Net Gain Assessment

Report Ref. ER-8481-02A

04/06/2025

CRL Architects

<b>Report reference</b>	<b>ER-8481-02A - Biodiversity Net Gain Assessment</b>
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<b>Date</b>	04/06/2025
<b>Report duration</b>	In accordance with CIEEM (2019), unless otherwise stated the findings of this report remain valid for a period of 18 months. After this period advice should be sought on the scope of any updating work required.

<b>Amendment</b>	<b>Date</b>	<b>Author</b>	<b>QA</b>	<b>Summary of changes</b>
ER-8481-02A	06/06/2025	RH	JAR	Updated to Proposed Landscaping Plan 0113-005



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## Introduction

1. Brooks Ecological Ltd was commissioned by CRL Architects to carry out a Biodiversity Net Gain (BNG) Assessment of the proposed development Site at 42 Robin Royd Lane, Mirfield.
2. The assessment applies to the parcel of land shown in Figure 1 opposite.
3. The assessment is informed by a Preliminary Ecological Appraisal Survey of the Site detailed in our report ER-8481-01.
4. Biodiversity Accounting metrics are used to quantify the value of a site in Biodiversity Units. This helps in assessing the ecological impacts of the proposed development and can help to inform avoidance, or on-Site mitigation levels required; or as a last resort can translate to a direct monetary value where compensation (off-Site) is required.
5. For the purposes of Metric calculations, the Site area has been measured using GIS against the provided red line boundary as 0.09ha.
6. Our assessment has made use of the Statutory Biodiversity Metric Calculation Tool, and extracts from this have been used throughout the report. The full spreadsheet has been provided digitally as file BM-8481-01A, and should be submitted as part of the application.

**Figure 1** Extent of BNG assessment (red line boundary).



## Pre-development baseline

### Habitats identified

- Habitats present on-Site are outlined in Table 1, opposite. These are shown in relation to location and extent in Figure 2 overleaf.

### Condition Assessment

- Habitat condition has been assessed as part of the Preliminary Ecological Appraisal of the Site.
- Habitat condition has been estimated due to degradation on the Site.

### Strategic Significance

- None of the habitats on-Site fall within or close to the WHN, and so all are mapped as 'area/compensation not in local strategy/ no local strategy'.

### Irreplaceable habitat

- Irreplaceable habitats have not been found on Site.

### Habitat Degradation<sup>1</sup>

- The Site was cleared in c. October 2024. Under anti-degradation rules, the pre-clearance habitats must be taken as the baseline. Habitat types and condition assessments have been estimated based on satellite and Google Street View imagery.

## Biodiversity Metric

- Habitat types, conditions, and areas have been entered into the Statutory Biodiversity Metric Calculation Tool, alongside information on their strategic significance.
- The Statutory Biodiversity Metric Calculation Tool (published 23/07/2024), is provided alongside this assessment, in Excel spreadsheet BM-8481-01A, and may be useful in investigating design options for the Site.

**Table 1** Habitat Types.

Habitat	Irreplaceable?	Distinctiveness	Condition	See Condition Assessment sheet
Mixed scrub	No	Medium	Moderate	20A (estimated)
Other woodland, broadleaved	No	Medium	Moderate	24A (estimated)

<sup>1</sup> See [Appendices](#) for further information on degradation.

**Figure 2** The Site's habitats assigned to types used in the Biodiversity Metric.



### Trading Rules

15. As part of delivering a Net Gain for biodiversity, the BNG process requires that trading rules are complied with, such that loss of habitats is compensated for in a like-for-like or like-for-better fashion. This is based on habitat distinctiveness.
16. Once trading rules are complied with, the 'gain' component can come from any distinctiveness category.

### Habitat Unit Score

17. The Site has been assessed as having a baseline score of 0.84 Habitat Units. These break down as shown in Table 2, below.

**Table 2** Habitat Units broken down by distinctiveness at this Site.

Distinctiveness	Units	Approach to compensation if lost
Very Low	0	No compensation required.
Low	0	Can be replaced with <u>any</u> habitat of the same distinctiveness (low) or any habitat from a higher distinctiveness (Medium, High or Very High)
Medium	0.84	<u>Can not</u> be replaced with habitats from a lower distinctiveness. Compensation needs to be like for like, or like for better. This means it can only be replaced by habitat from the same broad categories in Medium distinctiveness (in this case scrub and woodland), or any habitat from a higher distinctiveness category (High or Very High).
High	0	Can only be replaced with the same habitat.
Very High	0	Can only be replaced with the same habitat; bespoke compensation required.
Irreplaceable	0	Bespoke compensation required, outside of BNG.

## Post-development value<sup>2</sup>

18. This section calculates the Biodiversity Unit value of the post-development Site and quantifies any gain or shortfall in Units.

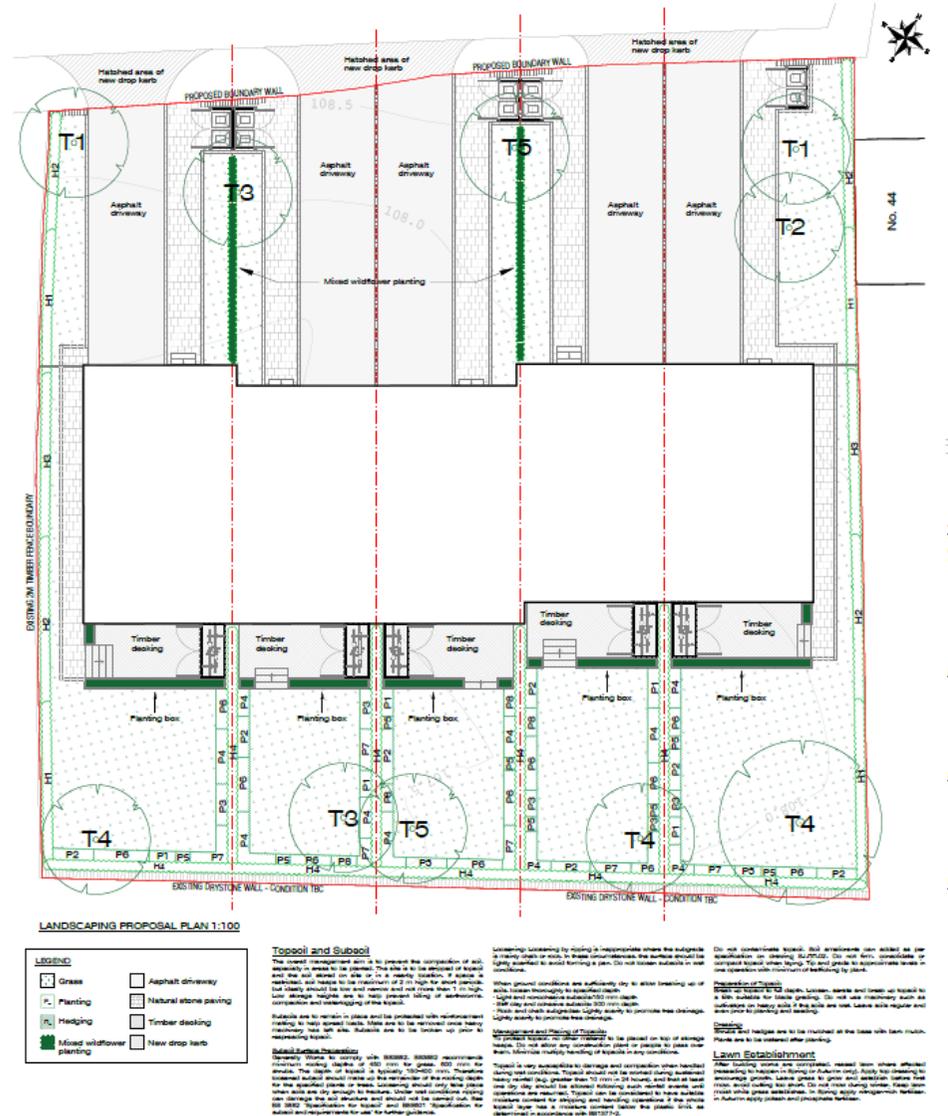
### Proposed habitats

- 19. Habitats present on-Site post-development have been based on the Proposed Landscaping Plan 3115-005 (CRL Architects, April 2025).
- 20. Planting types specified in the Landscaping Plan have been assigned a UK Habitat Classification description that best fits the target habitat.
- 21. Habitats assigned are shown in Figure 4 overleaf.

### Condition assessment

- 22. The condition assessment for each proposed habitat is based on what is realistic and achievable for the Site, based on the Proposed Site Plan
- 23. Achieving these conditions scores will be reliant on specific, ecologically-driven management recommendations. These can be outlined in a Biodiversity Enhancement and Management Plan (BEMP) and/or will be set out in a Habitat Management and Monitoring Plan (HMMP), which will be required as a standard condition of planning.

Figure 3 Proposed Landscaping Plan 3115-005 (CRL Architects, April 2025).



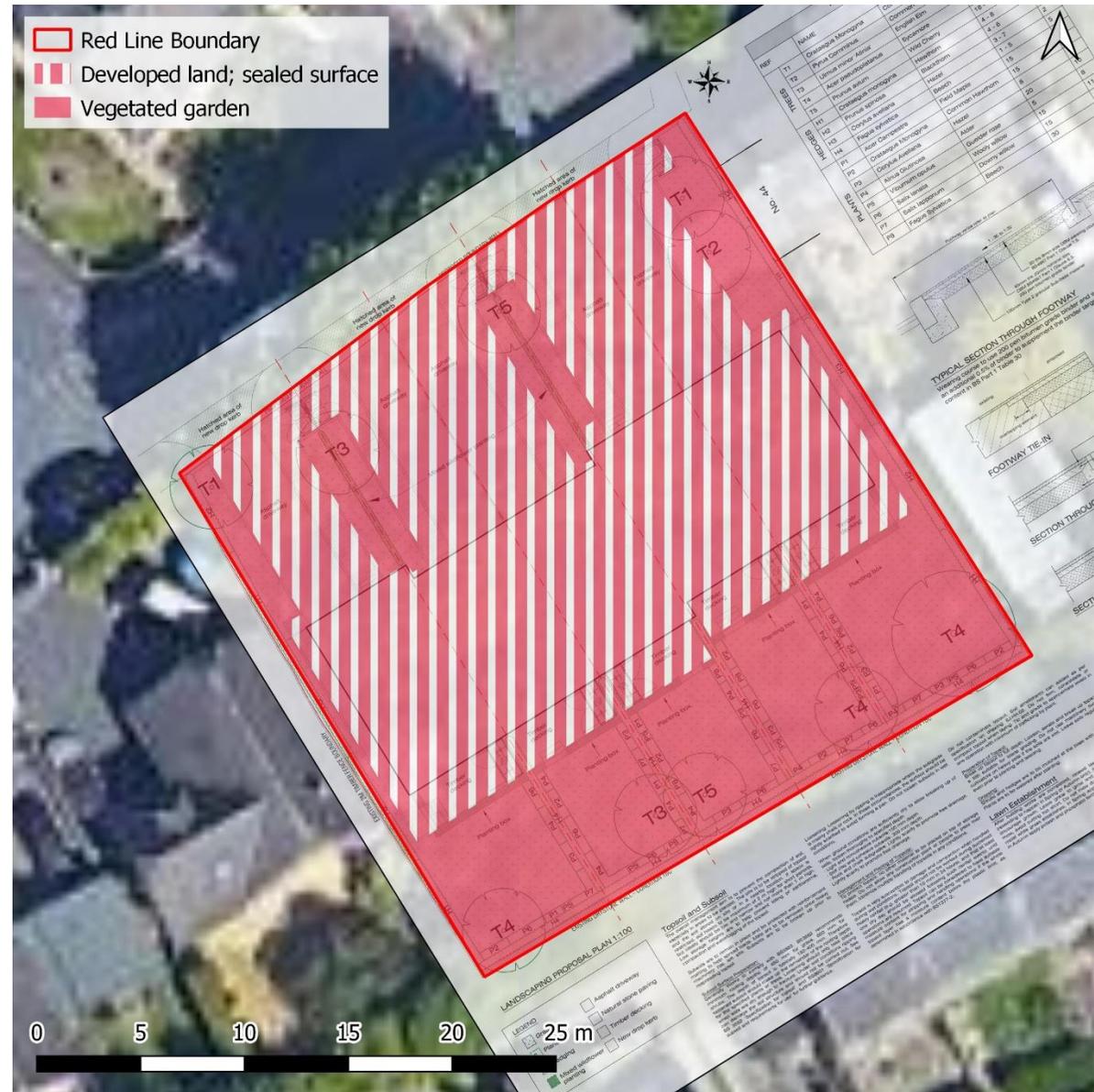
<sup>2</sup> Please see assumptions section at end of report

## Post-development habitats

### Habitat Score

24. The Site has been assessed as having a post-development score of 0.07 Habitat Units.
25. This score is based on our interpretation of the Proposed Site Plan, as shown in Figure 4 opposite.
26. Calculations for the change in Habitat Units have been based on the entire Site being cleared of existing habitats and land reprofiled, which results in the loss of all 0.84 Habitat Units present pre-development.
27. Post-development calculations include Habitat Units gained through the creation of vegetated gardens.
28. Roads, driveways, footpaths, houses and patios have all been mapped as *developed land; sealed surface*, which contribute no Habitat Units to the post-development score.
29. The loss of Medium distinctiveness habitats, *mixed scrub* and *other woodland; broadleaved* is not compensated for by the creation of new habitats on-Site (*vegetated garden*). This means that the trading rule cannot be satisfied. Explanation of this and the implications in terms of Units required is set out overleaf.

**Figure 4** Post-development habitats.



## Habitat Retention

30. The plan opposite shows the areas of the Site which it will be possible to retain without impact. This information allows us to see which areas can be identified as retained or enhanced in the metric calculations.
31. As the Site had already been completely cleared at time of survey, all habitat is mapped as 'lost'. No retention of baseline habitats will be possible.

## The BNG Hierarchy

32. The project's engagement with the Mitigation Hierarchy is set out in Appendix 1.

**Figure 5** Habitat retention.



## Change in Unit Value

- 33. The Statutory Metric has been used to calculate the net unit change for the Site; this has been predicted an overall net loss of -0.77 Habitat Units (-91.74%).
- 34. A copy of the Statutory Biodiversity Metric Calculation Tool Excel spreadsheet (ref. BM-8481-01A) has been provided with this report and should be submitted digitally as part of the application.

## Trading Rules

- 35. Habitat types are separated out into distinctiveness categories (Very Low to Very High) which dictate what mitigation/compensation is required for their loss. This is assessment is separate to the 'net unit change' score quoted above.
- 36. To satisfy Trading Rules, specific mitigation is only required for the loss of Medium distinctiveness habitat types and above. Trading Rules will automatically be satisfied for the loss of any Low distinctiveness habitat types once a no net loss position is reached. For the scheme assessed here, specific compensatory units will need to be generated from the broad Habitat Types outlined in table opposite.

## Requirements for Planning

- 37. There is mandatory requirement for all developments to demonstrate at least a 10% net gain in each unit measurement, as well as to satisfy Trading rules. A standard planning condition will be imposed on all decision notices to ensure this is met.
- 38. To achieve this here, a further **0.86 Habitat Units** will need to be secured, with at least 0.85 of these Units generated within the broad habitats shown in Table 3. In this manner, securing 10% BNG will also satisfy the trading rules.
- 39. These Units will need to be secured through offsetting, with offsite land Registered with Natural England. Once this offsetting has been secured, the Biodiversity Metric will need to be finalised before submission to the LPA.
- 40. A Net Gain Plan and Habitat Monitoring and Management Plan are likely to be required to discharge relevant pre-start planning conditions.
- 41. Provision should be made by the LPA and developer to secure the necessary gains through legal agreement - planning condition (for on Site gains), planning obligation or conservation covenant (for off-Site gains) - see further information section at the end of the report for more information on this.

- 42. A 30-year Habitat Monitoring and Management Plan (HMMP) may be required to discharge relevant pre-start planning conditions. Although, as the BNG score here relies on the creation of low distinctiveness habitats the LPA may see imposing an HMMP requirement as disproportionate in this instance.

**Figure 6** Biodiversity Metric Summary.

FINAL RESULTS				
<b>Total net unit change</b> <small>(Including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	-0.77		
	Hedgerow units	0.00		
	Watercourse units	0.00		
<b>Total net % change</b> <small>(Including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	-91.74%		
	Hedgerow units	0.00%		
	Watercourse units	0.00%		
<b>Trading rules satisfied?</b>		No - Check Trading Summaries ▲		
Unit Type	Target	Baseline Units	Units Required	Unit Deficit
Habitat units	10.00%	0.84	0.93	0.86
Hedgerow units	10.00%	0.00	0.00	0.00
Watercourse units	10.00%	0.00	0.00	0.00

**Table 3** Trading rule summary

Distinctiveness	Broad Habitat Type	Habitat Units required
Medium*	Heathland and Shrub	0.12
	Woodland	0.73
<b>Total Units</b>		<b>0.85 Units</b>

\* Compensation for habitats of medium distinctiveness must be in the same broad habitat type, or any habitat type in a higher distinctiveness category.

## Assumptions

43. Establishment of the post development value of the Site at this stage is necessarily based on several assumptions which we have set out below, please provide the additional information required against each if this is available:

	Factor	Information Required
1	<p><u>Timing</u></p> <p>The BNG metric includes options to identify habitat creation which is deferred (by x years after it is lost) or habitat which is created in advance (elsewhere prior to its loss from Site). These are subject to multipliers and will affect your ultimate BNG score.</p> <p>Unless you have told us otherwise, we have assumed a 1-year build programme and a delay of 1 year between loss of habitat and creation of new. Calculations will need to be re-run if changes to the project plan result in a change to this figure.</p>	<p>Please provide a realistic timescale for the period between loss of habitat (Site clearance) and the completion of new on-Site habitat areas.</p>
2	<p><u>Phasing</u></p> <p>Unless you have told us otherwise, we have assumed that development will not be phased (in planning terms) and that habitat will be lost and created in a single phase.</p>	<p>Please confirm whether development will be phased.</p>
3	<p><u>Habitat Retention</u></p> <p>As the site has already been cleared, we have assumed that all mapped habitat will be lost from the Site and then replaced.</p>	<p>Please provide a habitat retention plan showing area which can be retained unaffected by clearance, excavation, storage, compounds etc. Identify also any areas of temporary impacts - these may be impacted by the above but can be returned to the same habitat within 2 years.</p>
4	<p><u>Other limiting factors</u></p> <p>Ecological conditions are likely to be the primary factors determining the potential of the site to deliver Biodiversity Units, these would normally be established through a Preliminary Ecological Appraisal (PEA). Where a PEA has not been carried out, we have assumed that ecological factors are not limiting. Where a PEA has been carried out by a third party, we have assumed that the information provided is suitable and accurate.</p> <p>There are other limiting factors falling outside of the remit of ecological assessment which could also affect delivery, these may not be apparent to us at this stage. As part of any future management plans produced to deliver Biodiversity Units it will be necessary to assess information on (though not limited to) the following factors - any of which could have a bearing on the site's potential:</p> <ul style="list-style-type: none"> <li>• Designated Sites (these may have been considered if desk-study has been part of the scope)</li> <li>• Protected and Notable Species (these may have been considered if desk-study has been part of the scope)</li> </ul>	<p>Provide information and reports or references any of the factors which you know will be, or could be, limiting in terms of habitat creation.</p>

	Factor	Information Required
	<ul style="list-style-type: none"> <li>• Invasive and Non-native Species</li> <li>• Land tenure and public access</li> <li>• Climate</li> <li>• Geology / topography</li> <li>• Agricultural land status</li> <li>• Soils and substrates</li> <li>• Contaminated Land</li> <li>• Hydrology and Drainage</li> <li>• Flood Risk</li> <li>• Landscape Character and Designations</li> <li>• Historic Environment and Earth Heritage</li> <li>• Services and Infrastructure</li> <li>• Land ownership</li> </ul> <p>These factors may be outside of the remit of this report (especially where a PEA has not been produced) and the expertise of an ecologist. We cannot be responsible for the impact of any of these factors on the potential of the site to deliver Biodiversity Units. Where other information is not made available, we have assumed they are not limiting</p>	

## References

Chartered Institute of Ecology and Environmental Management (CIEEM). 2019. *Advice note: on the lifespan of ecological reports and surveys*. Winchester: Chartered Institute of Ecology and Environmental Management. [Online]. Available from: <https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/>

Ministry of Housing, Communities & Local Government. 2024. *National Planning and Policy Framework*. London: Her Majesty's Government. [Online]. Available from: <https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf>

*The Statutory Biodiversity Metric User Guide*. 2024. London: Department for Environment, Food and Rural Affairs (Defra). [Online]. Available from: <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

*The Statutory Biodiversity Metric Calculation Tool (macro-enabled)*. 2024. London: Department for Environment, Food and Rural Affairs (Defra). [Online]. Available from: <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

*The Statutory Biodiversity Metric Condition Assessments*. 2024. London: Department for Environment, Food and Rural Affairs (Defra). [Online]. Available from: <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

## Appendices

The following reports/digital documents have been provided alongside this report and should be read in conjunction with it:

- BM-8481-01A - Statutory Biodiversity Metric Calculation Tool
- CA-8481-01 - Condition Assessments
- ER-8481-01 - Preliminary Ecological Appraisal

### Habitat degradation

Within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since **30<sup>th</sup> January 2020** and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30<sup>th</sup> January 2020, aerial imagery or data sets from that time could be used. 30<sup>th</sup> January 2020 is the relevant date as it was the day the Bill entered Parliament.

In 2023, the Levelling Up and Regeneration Act 2023 (LURA), introduced additional wording further tightening the law regarding degradation by extending the circumstances in which degradation can be addressed. This wording covered both authorised and unauthorised activity on onsite and offsite habitats, on or after **25<sup>th</sup> August 2023**.

## Further information

Further useful information is available on legal agreements to secure Biodiversity Gains at:

- <https://www.gov.uk/guidance/legal-agreements-to-secure-your-biodiversity-net-gain>
- <https://naturalengland.blog.gov.uk/2024/03/04/securing-off-site-biodiversity-net-gain-expert-legal-perspectives/>

## Appendix 1 - BNG Hierarchy

Level of Hierarchy	Advice provided at PEA/BNG Baseline Stage	Response in designs	Linked documents / plans
<i>First</i> <b>Avoid</b>	The Site had already been cleared several months prior to the PEA visit.	The site had been cleared prior to survey. It will not be possible to engage with this step of the mitigation hierarchy*.	ER-8481-01
<i>then</i> <b>Enhance</b>	Retained habitats on-Site should be enhanced where possible as an important source of Habitat Units post-development.	The site had been cleared prior to survey. It will not be possible to engage with this step of the mitigation hierarchy.	ER-8481-01
<i>then</i> <b>Create</b>	Where possible residual loss of Units should be made up for with Habitat Units generated through the creation of new habitats on-Site. Units may be generated through specific ecologically targeted habitat creation, such as wildflower grassland, and standard amenity habitats, such as amenity grassland and ornamental shrub. Woodland buffering could contribute to this process.	Vegetated garden created on Site accounts for all of the post-development habitat score.	Proposed Site Plan 3115-004B (CRL Architects, April 2025).
<i>Then</i> <b>Offset</b>	If a 10% Net Gain cannot be achieved on-Site, any remaining deficit will need to be compensated for off-Site.	0.85 Habitat Units will need to be secured off site to get a 10% net gain and comply with trading rules.	-

\* It should be noted that failure to engage with the BNG hierarchy, as in this case, *could* be used as grounds for refusal of a planning application.