Biodiversity Net Gain Assessment

MTSPV – Proposed Housing development

Land off Healey Lane, Batley

Date of report: 13th January 2026

Report Reference Number: A6599

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Document Control

Date of first issue	Revision	Date of revision	Issued by	Checked by
13th January 2026	-	-	AW	MJB

Contents

Executive summary

The Site is located to the west of Batley on former Kirklees Council land and comprises mainly modified grassland with areas of hardstanding, scrub, and tree cover along its boundaries. Notable features include scrub vegetation in the southwest, young self-seeded trees along Healey Lane, and a mature tree line overlooking West Park Road. An outline planning application is proposed for up to 15 residential dwellings, with vehicular access from Healey Lane.

Opportunities to enhance biodiversity post-development are also included throughout this report, including planting native medium and small trees, large shrubs, native shrubs, native perennial plants and native hedgerows. These measures aim to mitigate impacts and enhance the ecological value of the site.

Based on proposed planting measures, the BNG calculation shows a net loss in the biodiversity of the site of -21.32% (-0.32) habitat units and -41.98% (-0.18) hedgerow units. Onsite measures to reduce the habitat and hedgerow loss along with off-site provision would provide the habitat and hedgerow units required to achieve a 10% gain of habitat units and to comply with trading rules. It was considered unfeasible to achieve the net gain and satisfy trading rules via onsite measures only.

1 Introduction

1.1 *Background*

The Site is situated in the west of Batley on land formerly under the ownership of Kirklees Council. The Site is characterised predominantly by areas of modified grassland, interspersed with two extensive areas of hardstanding and associated bare ground. Scrub vegetation has established within the southwest corner, while a linear feature of self-seeded young trees is present along the northern boundary adjacent to Healey Lane. An area of grassland supporting tall ruderal species is present along the southwest boundary. A mature tree line is located along the crest of a bank that slopes down towards West Park Road.

The proposed development comprises the construction of up to 15 residential dwellings with vehicular access from Healey Lane. The proposals are being advanced through the submission of an Outline Planning Application.

This report provides an update to the previous BNG Assessment provided by Everything Ecology in February 2025 (see Appendix 2).

The scope of this BNG Assessment update is to:

- Identify any potential biophysical changes because of the proposed development.
- Identify and provide a valuation of features of ecological interest on a site (such as habitats).
- Recommend avoidance and/or mitigation measures that are likely to be required to reduce the ecological impact of the proposals.

1.2 *Relevant legislation*

1.2.1 *The Wildlife & Countryside Act*

The Wildlife & Countryside Act 1981 (as amended) is the primary piece of legislation by which biodiversity in the UK is protected. The most relevant areas of the Act to development-related activities are:

- The identification and subsequent protection of Sites of Special Scientific Interest (SSSIs), which prohibits damaging activities
- The protection of certain species listed in Schedule 5, which prohibits killing, injury, disturbance, damage and/or destruction of breeding sites and/or resting places and sale (it should be noted that all parts of this protection do not apply to all Scheduled species)
- The protection of wild birds and their nests, which prohibits damage or destruction of nests whilst in use. Species listed in Schedule 1 of the act receive additional protection from disturbance whilst they are building a nest or are near a nest containing eggs or young. It also prohibits the disturbance of dependent young.

1.2.2 *The Conservation of Habitats and Species Regulations*

The Conservation of Habitats and Species Regulations 2017 (known as the 'Habitats Regulations'), pass two EEC Directives into UK law. The Regulations protect sites and species deemed to be of conservation importance across Europe. The most relevant parts of the Regulations to development-related activities are:

- The protection of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)
- The protection of species listed within Schedule 2 of the Regulations, which prohibits killing, injury, disturbance, damage and/or destruction of breeding sites and/or resting places and sale, this confers some level of habitat protection.

For activities that would be likely to result in a breach of species protection under the regulations to legally take place, a European Protected Species (EPS) mitigation licence must first be obtained from Natural England.

1.2.3 *The Natural Environment and Rural Communities Act*

The Natural Environment and Rural Communities (NERC) Act 2006 requires that public bodies to have regard to the conservation of biodiversity. This means that Planning Authorities must consider biodiversity when reaching planning decisions. Section 41 of the Act lists habitats and species that are conservation priorities in England.

1.2.4 *The Environment Act*

The Environment Act 2021 introduced various methods to protect and improve the environment, including biodiversity.

1.3 *Planning policy*

1.3.1 *National planning policy*

Government policy with respect to the protection of biodiversity is laid out in the National Planning Policy Framework (NPPF). This places an onus on development to minimise impacts to biodiversity and, where possible, to provide net biodiversity gain. The NPPF guides Local Authorities in how to conserve and enhance biodiversity through local Planning Policies and when assessing planning applications.

1.3.2 *Other nature conservation policy*

Biodiversity Action Plans (BAPs) were the UK's response to the 1992 Convention on Biological Diversity. The UKBAP described the biodiversity of the UK and contained Action Plans for the most threatened habitats and species. It was implemented at a local level through regional and local BAPs. Whilst the UKBAP has expired, BAPs are still used at a more local level in some areas and species and habitats which were previously priorities within the UKBAP are now listed as Species of Principal Importance within Section 41 of the NERC Act 2006.

Figure 1.1: Site location plan

2 Methodology

2.1 *Desk Study Methodology*

Available online resources, such as the MAGIC (Multi-Agency Geographical Information for the Countryside) and NBN (National Biodiversity Network) websites, were interrogated for relevant information.

2.2 *Assessment methodology*

2.2.1 *Introduction*

The methodology for the assessment of the likely ecological effects of the proposed development is based on the principles of CIEEM's Guidelines for Ecological Assessment in the UK, 2nd Edition. Although this assessment does not constitute a formal Ecological/ Environmental Impact Assessment, the CIEEM guidelines provide a useful framework for assessing ecological impacts at any level.

2.2.2 *Valuation*

Features of ecological interest are valued on a geographic scale. Value is assigned based on legal protection, national and local biodiversity policy and cultural and/or social significance.

2.3.3 *Identification of Potential Ecological Impacts in Absence of Mitigation*

A development may have ecological effects beyond its site boundaries; therefore, the CIEEM guidelines require that the 'zone of influence' be identified. Due to the relatively small size of this development, for the majority of ecological features, the zone of influence is considered unlikely to extend beyond the footprint of the works and immediately adjacent habitat.

Without mitigation, the proposed development may result in the following biophysical changes during construction and/or operation:

- Loss of and damage to habitats within or adjacent to the footprint of the development and construction zone.
- Any loss or damage to habitats could result in death and/or injury to protected species should they be present.
- Disturbance of immediately adjacent habitats and any wildlife using them during construction.

2.4 *Limitations*

It is only possible to gain a snapshot of the ecology of the site, and it is possible that some seasonal species could be missed. As the ecology of a site can change quickly over time this report is considered valid for two years from the date of the report.

3 Biodiversity Net Gain

3.1 *Introduction*

In accordance with advice in the Biodiversity Supplementary Planning Guidance, a Biodiversity Net Gain (BNG) calculation has been undertaken for the site, using the Natural England/Defra Statutory Biodiversity Metric. The full calculation is provided on a separate spreadsheet (Appendix 1). See Appendix 2 for previous BNG Assessment produced by Everything Ecology.

3.2 *Calculation*

3.2.1 *Habitat units*

The figures used in the BNG calculation for habitat units are provided in the statutory metric provided to accompany this assessment. Off-site compensation is required, as a volume of habitat is to be removed, which cannot be fully compensated for on-site. In summary:

- The existing habitat value of the site is 1.02 habitat units.
- The post-development habitat value would be 0.80 habitat units, a decrease of -0.22 units (-21.32%).
- To achieve +10% BNG net gain and satisfy the trading rules, 0.32 units will need to be compensated for via an off-site habitat parcel or by purchasing habitat units.

3.2.2 *Hedgerow units*

The figures used in the BNG calculation for hedgerow units are provided in the statutory metric provided to accompany this assessment. Off-site compensation is required, the loss of two trees within the line of trees on site cannot be fully compensated for on-site. In summary:

- The existing hedgerow value of the site is 0.34 habitat units.
- The post-development hedgerow value would be 0.20 habitat units, a decrease of -0.14 units (-41.98%).
- To achieve +10% BNG net gain and satisfy the trading rules, 0.18 units will need to be compensated for via an off-site habitat parcel or by purchasing hedgerow units.

3.3 *Conclusion*

The calculation demonstrates that proposals would result in a net loss of -0.22 habitat units and -0.14 hedgerow units. Off-site measures would be required to meet the 10% target for habitat and hedgerow measures, as well as comply with trading rules. 0.32 habitat and 0.18 hedgerow off-site habitat units would be required to ensure trading rules are satisfied.

4 Recommendations and Conclusion

4.1 Recommendations

The landscaping scheme should prioritise additional tree planting if the biodiversity net loss is to be reduced as far as possible, and to comply with the mitigation hierarchy. 10 small trees in moderate condition would be result reduce the habitat loss to approximately -2%. Replacing the proposed non-native evergreen hedgerows with native species would reduce the hedgerow unit loss. Once onsite options have been maximised, the residual habitat and hedgerow unit deficits would need to be addressed through off-site unit purchase or the purchase of habitat and hedgerow bank credits.

4.2 *Conclusion*

The Site is located in west Batley on former Kirklees Council land and comprises mainly modified grassland with areas of hardstanding, scrub, and boundary tree cover. The proposed development seeks outline planning permission for up to 15 residential dwellings with access from Healey Lane.

The Site is currently subject to a biodiversity net loss; however, this is considered likely to be capable of being addressed through on-site and offsite measures.

5 Useful References

1. CIEEM (2013). *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester.
2. Department for Communities and Local Government. (2012). *National Planning Policy*
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5. *The Conservation of Habitats and Species Regulations 2017.* https://www.legislation.gov.uk/uksi/2017/1012. Accessed January 2026.
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   The Wildlife & Countryside Act 1981. https://www.legislation.gov.uk/ukpga/1981/69. Accessed January 2026.
8. GOV.UK (2024). https://www.gov.uk/guidance/biodiversity-net-gain. Accessed January 2026.
9. Department for Environment Food & Rural Affairs (2024). The Statutory Biodiversity Metric – User Guide. Natural England, Peterborough.

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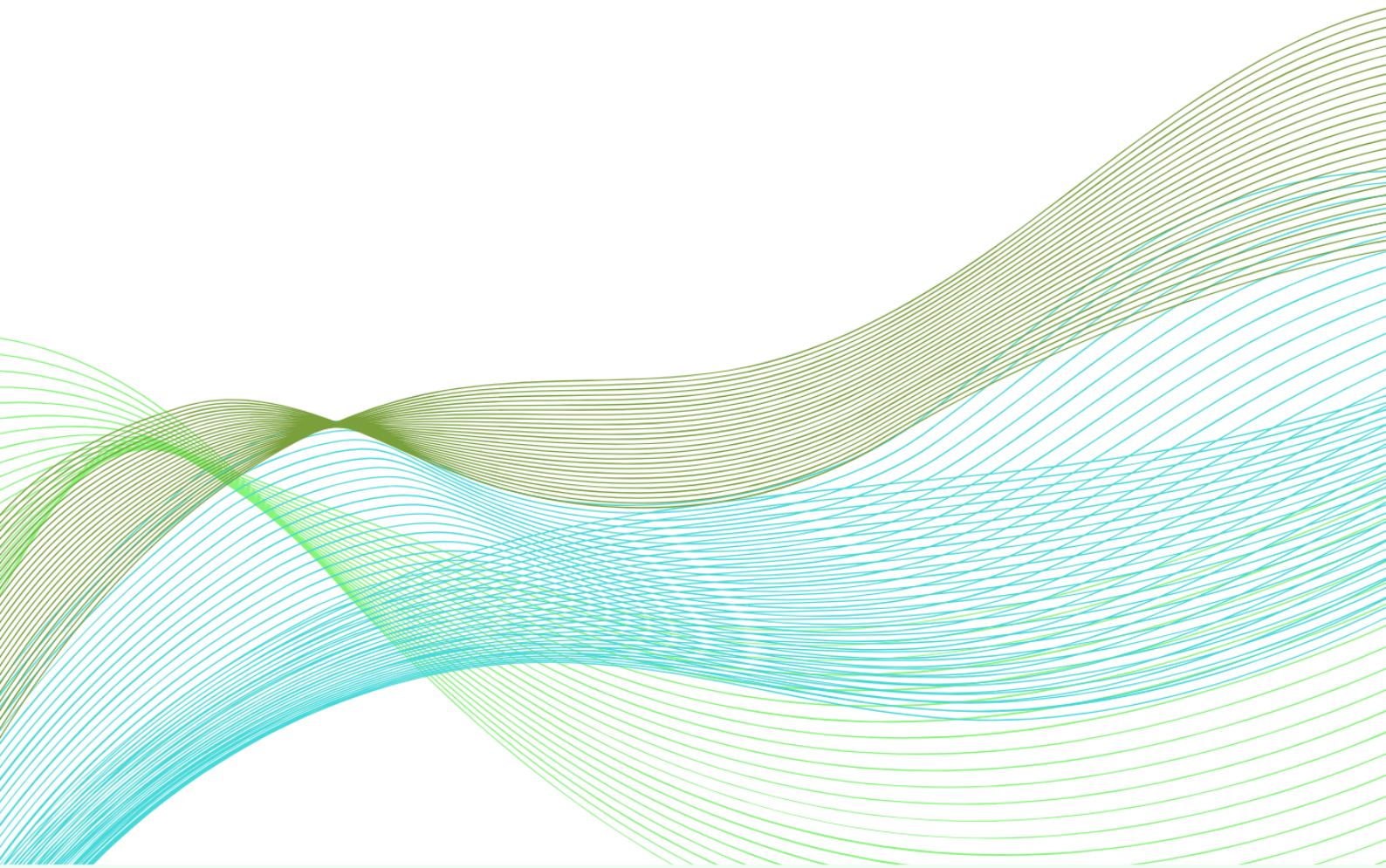

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