

The Old Stone Yard, Shelley



Preliminary Ecological Appraisal Report

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Beneficial Estates Ltd

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Report duration	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.



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Summary

This report is produced to inform Beneficial Estates Ltd of potential ecological constraints associated with their proposed development site and the need for further reporting or output to support a planning application.

This report is based on a desk study of designated wildlife sites and records of protected or notable species, analysis of historic aerial imagery and an extended Phase 1 Habitat Survey carried out in October 2025.

Key Findings

The Site is a small section of a former stone yard. The Site has already been developed prior to having planning permission. It is of generally low ecological value. Ecological constraints have not been identified at the Site.

Further surveys

Further surveys have not been recommended.

Introduction

1. Brooks Ecological Ltd was commissioned by Beneficial Estates Ltd to carry out a retrospective Preliminary Ecological Appraisal (PEA) of land at The Old Stone Yard, Shelley, grid ref. SE 20852 10671. The survey includes land within the red line boundary shown in Figure 1, opposite, with a total area of 0.29ha.
2. The land within the red line boundary has already been cleared and works have commenced prior to planning permission having been granted. Habitat clearance looks to have taken place sometime between April 2018 and May 2019, the client is submitting an application for retrospective planning permission for development which has already been completed.
3. This report is produced with reference to British Standard BS:42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

Purpose of a PEA

4. A PEA is an *initial assessment* of the baseline for a proposed development site and establishes whether the Site is likely to be constrained by ecology, and whether more information is needed to identify the ecological baseline.
5. The subsequent Preliminary Ecological Appraisal Report (PEAR) is intended to give guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary, the PEAR *may* be sufficient and suitable to support a planning application.

Proposals/Reason for PEA

6. The PEA has been completed to inform a retrospective application for development of this small Site for a business storage unit that has already been completed.

The Site

7. The application site 'the Site' comprises a small plot that was a former stone yard that has been developed into a wood storage area and metal storage building. The Site is located on the southern edge of the village of Shelley, Kirklees. The Site area has been measured using GIS against the provided red line boundary as 0.29ha.

Figure 1 The Site (red line boundary).



Desk Study

Historic aerial imagery

8. Aerial imagery has been analysed to determine the likely habitat classifications on the Site prior to habitat clearance to enable development for the proposed wood storage and storage unit.
9. Habitat clearance looks to have taken place sometime between April 2018 and May 2019, therefore aerial imagery from April 2018 has been used to inform this assessment (Figure 2).

Landscape

10. The Site is located on the outskirts of the rural village of Shelley, approximately 2km south of Kirkburton.
11. The Site overlies slowly permeable seasonally wet acid loamy and clayey soils.

Wildlife Corridors

12. The Site is north of Shepley Dyke which flows from east to west approximately 30m south of the red line boundary. Rail lines are also present in the wider area, forming a network of linear habitat that connects to the Site via Shepley Dyke (Figure 3).
13. Structured habitat is present in the wider landscape in the form of woodland blocks and wooded linear features such as rail lines and Shepley Dyke.

Figure 2 Aerial imagery of the Site taken in April 2018 with indicative red line boundary (Google Earth).

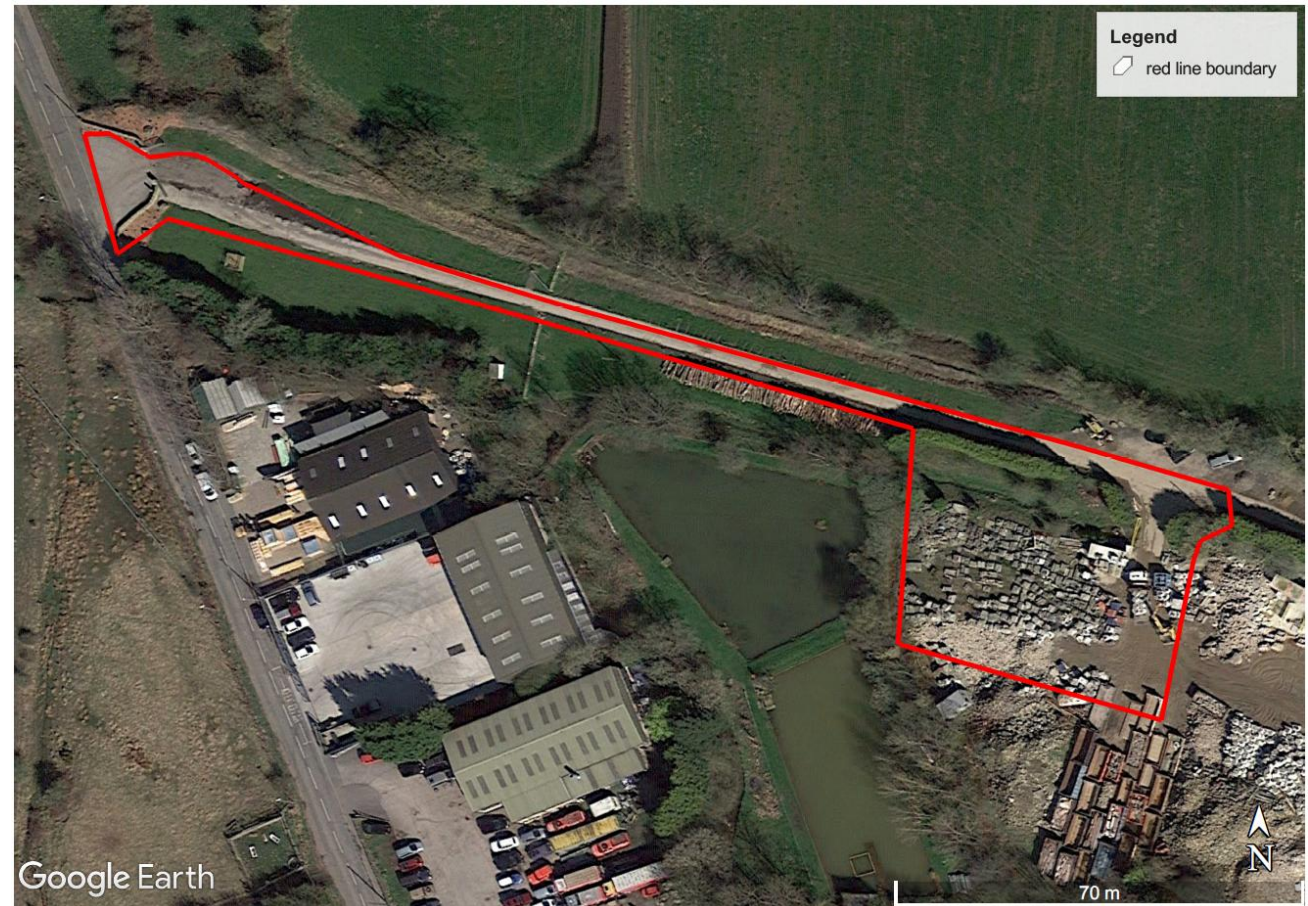


Figure 3 Analysis of wildlife corridors and structured habitat visible on mapping in relation to the Site.



Designations

14. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

Statutory Designations

15. A search has been made to identify any nationally designated sites within a 2km radius of the Site, or internationally designated sites within a 10km radius. The results are shown in the below table.

Table 1 Statutory Designated Sites.

Site Name	Distance from Site	Designation	Summary Interest
Denby Grange Colliery Ponds	7.3km northeast	Special Area of Conservation (SAC)	Designated for a large population of great crested newts (<i>Triturus cristatus</i>).
Peak District Moors	9km southwest	Special Protection Area (SPA), SAC, Site of Special Scientific Interest (SSSI)	Designated SAC for its Annex I habitats; dry heaths, blanket bogs, old sessile oak woods with Ilex and Blechnum. Other habitats of importance present include Northern Atlantic wet heaths with <i>Erica tetralix</i> , and transition mires and quaking bogs. The SPA supports significant breeding populations of short-eared owl <i>Asio flammeus</i> , merlin <i>Falco columbarius</i> and golden plover <i>Pluvialis apricaria</i> .

16. The Site is separated from designations by farmland and developed land. Direct and indirect impacts on this site as a result of this development are unlikely.

SSSI Impact Risk Zones (IRZs)

17. The Site lies within the IRZ for Dark Peak SSSI, which overlies the Peak District Moors SPA, but does not fall into any of the highlighted categories which require the LPA to consult with Natural England in relation to potential impacts.

Non-Statutory Designations

18. There seven Local Wildlife Sites in the search area. The nearest of which is Gelder Wood LWS, located approximately 800m west of the Site.
19. Direct and indirect impacts on all LWS sites as a result of this development are unlikely due to the Site's separation and distance.

Nature Improvement Area

20. The Site is not within any Nature Improvement Area.

Wildlife Habitat Network

21. The Site is adjacent to the Kirklees Wildlife Habitat Network, which covers the Shepley Dike habitat located to the south of the Site.

Granted EPSM Licences

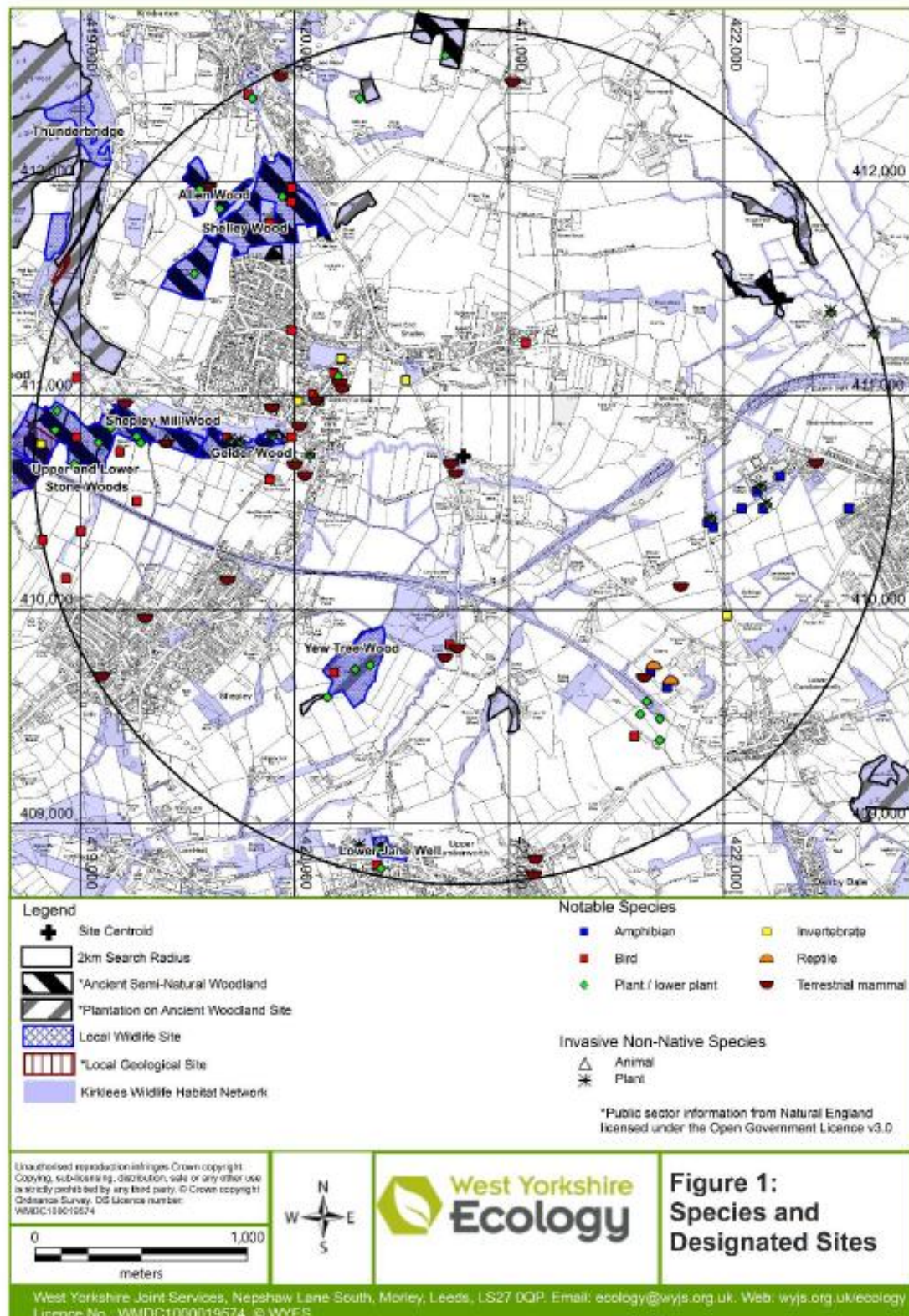
22. There are no granted European Protected Species Mitigation (EPSM) licences shown within 1km of the Site.

Mapped Ancient Woodland and Trees

23. There is no mapped ancient woodland (AW) or Plantation on an Ancient Woodland Site (PAWS) within 15m of The Site, the nearest being Shepley Hill Wood just under 900m to the west.

Mapped Priority Habitat

24. There is no mapped Priority Habitat within, or within influencing distance of the Site.

Figure 4 Records of designated sites and notable species within 2km of the Site; West Yorkshire Ecology.**Figure 1 – Species and Designated Sites**

Survey

25. A desk-based assessment was conducted using aerial imagery to estimate the pre-construction habitats as the Site has already been developed. Analysis of aerial imagery suggests that the Site was cleared at some time between May 2019 and April 2020. A ground-truthing field survey was conducted in October 2025¹ to aid with the desk-based habitat classification and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
26. Although out of the main growing season, the nature of habitats present here, and the expertise and training of the surveyor meant that it was still possible to confidently classify the type and condition of habitats present on this Site.
27. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.

Habitat Appraisal

28. The Site's habitats are described in order on the following pages. In line with the requirement to provide information on Biodiversity Net Gain (BNG), habitats are named in accordance with the UK Habitats classification system. We have used the UK Habitats v2.01 guidance in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories used in the calculations presented in the Biodiversity Gain Assessment, with more weight being afforded the more distinctive/important habitats.
29. Generally, the following apply to each tier of distinctiveness, although some authorities might highlight some lower distinctiveness habitats as having a higher importance locally. Where relevant we have highlighted these.

Very Low Distinctiveness Habitats

30. Habitats of little or no habitat value, i.e., lacking any significant native vegetation, but could still provide supporting habitat for protected or notable fauna such as birds or bats.

Low Distinctiveness Habitats

31. Habitats which are ubiquitous, often which have been created or modified intentionally. They tend to lack diversity of species and structure. They are unlikely to support notable flora but could still provide supporting habitat for protected or notable fauna.

Medium Distinctiveness Habitats

32. Habitats which are common but provide a higher level of structural and species diversity. Though unlikely to support more notable assemblages, species of interest could be present here and they are more likely to be important supporting habitat to fauna.

High Distinctiveness Habitats

33. Habitats which are more natural and contain more important assemblages of plants and potentially species which are rare in their own right. They will provide good habitat for fauna. These habitats are likely to be targeted as conservation priorities and will be the subject of additional policy guidance or legislation.

Very High Distinctiveness Habitats

34. These are the UK's rarest/best habitats. They will be present in very particular locations and a range of rare or important plant and animal species will depend on the particular conditions they provide. These habitats will be the subject of restrictive policy guidance or legislation.

Irreplaceable Habitats

35. These are habitats of high biodiversity value. These habitats have significant protection in the NPPF.
36. Each habitat is mapped and an area for each type is provided. The areas can be used to quantify the impacts of development in an Ecological Impact Assessment if this is required by the Local Planning Authority.

Condition Assessment

37. Our condition assessment for each habitat described references where available the criteria set out in DEFRA (2024) Statutory Biodiversity Metric Condition Assessments. As the habitat has already been developed, habitats have been assumed to be of Good condition in the absence of evidence to the contrary.

¹ This Report has been prepared during October 2025 following a visit to the Site in October 2025, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas that

were not reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

Habitats of Low/Very Low Distinctiveness

Figure 5 Approximate location and extent of these habitats.

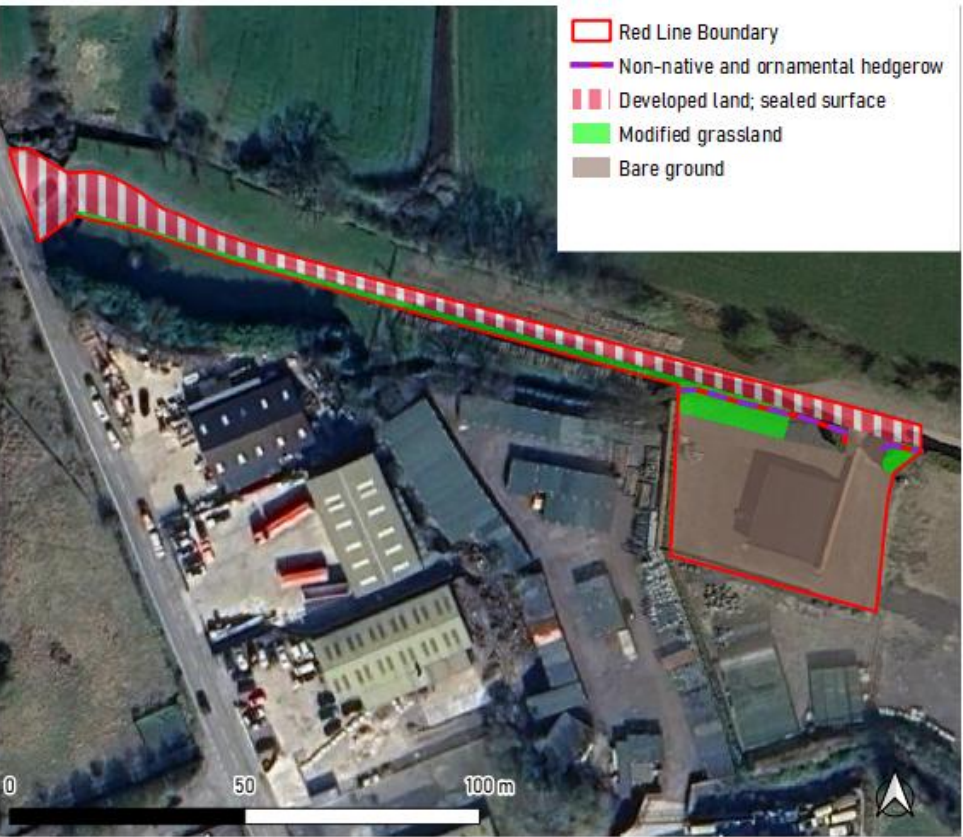


Table 2 Summary - Habitats of Low/Very Low Distinctiveness.

UK Habitats	Summary Description
Bare ground	The area that was used as a stone yard looks to have been predominantly bare ground with little to no vegetation, likely due to regular disturbance.
Developed land, sealed surface	An access road to allow movement of vehicles within the stone yard.
Modified Grassland	Grassland along the verge of the access track and on the northern boundary of the Site looks likely to be classified as Modified Grassland based on aerial imagery. The ground-truthing observed regularly mown, modified grassland verges are in place alongside the access track, with species such as perennial ryegrass, creeping bent and white clover.
Ornamental hedge	A Leylandii hedge has been retained and is evident on aerial imagery from a time prior to clearance of the Site for development. The ground layer was largely absent.

Figure 6 Leylandii ornamental hedge remains intact on the Site.



Figure 7 Access track with modified grassland verge



Figure 8 Proposed storage building already in situ



Figure 9 Former stone yard is now developed



Habitats of Medium Distinctiveness

Figure 10 Approximate location and extent of these habitats.



Table 3 Summary - Habitats of Low/Very Low Distinctiveness.

UK Habitats	Summary Description
Bramble scrub	Based on aerial imagery, a small area of bramble scrub looks to be present in the northeastern corner of the Site.

Trees

Figure 11 Approximate location and extent of these habitats.



Table 4 Summary – trees.

UK Habitats	Summary Description
Rural trees	Assessment of aerial imagery suggests that five small trees were present on the Site prior to clearance of the Site for development. It is to be assumed that these are native species that have naturally colonised the area that was on the edge of a stone yard.

Faunal Appraisal

38. The following pages discuss only the groups and species that could be reasonably expected to be found on the type of habitats present on, or adjacent to, the Site.

Amphibians

Desk evidence

39. There are 12 records of great crested newt (GCN) returned for the area. The nearest record is 1.3km distance from the Site. Records were also returned for smooth newt and common toad, all over 1.3km distance from the Site.
40. There is one pond within 250m of the Site. The pond is surrounded by hardstanding and is not connected to the Site by suitable terrestrial habitat.

Field Evidence

41. There is no potential breeding habitat or suitable terrestrial habitat connected to the Site.

Summary Evaluation

42. The Site is unlikely to support amphibians.

Further Surveys and Recommendations

43. No further surveys or precautions are considered necessary.

Bats

Desk evidence

44. There were 34 records of bats returned within the search area across at least five species. The nearest was a historic record of a noctule over 60m distance from the Site. All other records were over 650m distance from the Site.

Field Evidence (Roosting)

45. There were no buildings on Site prior to the construction of the storage unit. The current storage unit that has been constructed does not offer suitable roosting features for bats.
46. The trees that were present on Site prior to construction appear to be small, immature stands that will have been unlikely to offer suitable roosting features for bats. The three trees were found to no longer exist during the field survey.

Field Evidence (foraging and commuting)

47. The Site presents a small parcel of land of predominantly bare ground; it is unlikely to contribute much to local foraging resources.
48. Hedgerows present on Site and Shepley Dike are likely to provide commuting habitat for local bat populations. The Leylandii hedgerow that was in situ pre-construction is still present on Site, and new native hedgerows and a new Leylandii hedgerow have been planted post-construction. The watercourse is located approximately 30m south of the red line boundary, the newly planted hedgerows will provide connectivity for bats between the Site and the watercourse.

Summary Evaluation

49. The preconstruction habitats that were available on Site and the location suggest that it was not important to this group.

Further Surveys and Recommendations

50. Further surveys are not recommended. There are opportunities to provide new roost sites on the newly constructed building at the Site.

Birds

Desk Evidence

51. Over 70 records of bird were returned within the search area. Most notably were records of bullfinch, cuckoo, greenfinch, hobby, house martin, kestrel, lesser redpoll, willow warbler and yellow wagtail. The nearest record was that of a house sparrow approximately 600m distance from the Site.

Field Evidence

52. Hedgerows present on the Site offer some nesting suitability for birds.

Summary Evaluation

53. Based on its size and preconstruction habitats, the Site was not likely to have been important to local bird populations.

Further Surveys and Recommendations

54. No further surveys are considered necessary to demonstrate current baseline in respect of birds.
55. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season.

Badgers

Desk evidence

56. There are no records of badger within 200m of the Site. The nearest recorded sett is over 1km from the site.

Field Evidence

57. The Site provided potential habitat for sett building in the areas of bramble scrub, however its location and general disturbance levels makes their presence here somewhat unlikely.
58. No evidence of badger was found during the field survey.

Summary Evaluation

59. Badger setts are unlikely to have been present at the Site as affected by the proposals.

Further Surveys and Recommendations

60. No further survey is recommended.

Hedgehogs (NERC Act 2006/Local BAP)

Desk evidence

61. There were no records of hedgehog returned within the search area.

Field Evidence

62. No evidence of hedgehogs was found on site.

Summary Evaluation

63. The Site was likely to have provided suitable habitat for this species and at least occasional presence should be assumed.

Further Surveys and Recommendations

64. Presence assumed; no further surveys are considered necessary however measures to allow them access to the Site should be planned for.

Riparian Mammals

Desk evidence

65. One record from 2013 of water vole was returned at approximately 60m from the Site, along Shepley Dike.
66. There were no records of otter within the search area.

Field Evidence

67. There is no suitable habitat for water vole or otter within the red line boundary.
68. It is unknown whether suitable habitat may have been present on the banks of Shepley Dike, approximately 30m south of the Site. This habitat has been developed since the Site was cleared for construction. The banks of the dike have been built-up and seeded with a grassland mix and some tree planting has taken place; the habitat that is present now does offer suitability for water vole.

Summary Evaluation

69. The absence of water vole from the Site can be concluded. Water vole may be present on bankside vegetation adjacent to Shepley Dike, which is approximately 30m south of the Site.

Further Surveys and Recommendations

70. No further survey is recommended.
71. Although outside of the boundary of this planning application, ground disturbance works of the banks of Shepley Dike should be avoided without first conducting a water vole survey to determine likely presence/absence.

Reptiles

Desk evidence

72. Two records of grass snake were returned within the search area. Both of the records were over 1.3km distance from the Site.

Field Evidence

73. Prior to construction, the Site may have provided some hibernacula and cover habitat, however post-development habitats do not offer suitable reptile habitat.
74. No field evidence was found.

Summary Evaluation

75. Reptiles are assessed as likely absent from the Site.

Further Surveys and Recommendations

76. No further surveys or precautions are considered necessary.

White-clawed crayfish

Desk evidence

77. No records were returned for the search area.

Field Evidence

78. Shepley Dike may provide suitable habitat for white clawed crayfish.

Summary Evaluation

79. Absence of records from the adjacent Shipley Dike makes it very unlikely that this species is present or is at risk from development activities.

Further Surveys and Recommendations

80. No further surveys are considered necessary. Works have already been undertaken on land adjacent to Shepley Dike, pollution prevention measures are recommended to avoid impacting the watercourse.

Invasive Non-Native Species (INNS)

81. INNS are species listed on Schedule 9 of the Wildlife and Countryside Act (1981), for which it is an offence to cause or allow it to grow in the wild.
82. No INNS were noted during survey².

Survey constraints

83. Although no INNS have been identified in this preliminary survey, it is not always possible to conclude absence from preliminary survey alone due to factors such as season, accessibility, third-party attempts to hide evidence, or undisclosed treatment programmes. For this reason, this report should not be relied upon as definitive evidence of absence of INNS.
84. This site presents a small risk of supporting undetected INNS based on the following factors:
- Proximity to nearby potential sources of infection
 - Potential for recent earthworks or management which may have obscured viable material
85. Should further assurances be needed in relations to INNS, a dedicated Invasive Weed Survey should be commissioned.

² Whilst our ecologists are trained in the identification of invasive species, this report is not a dedicated invasive species survey. Detectability of invasive plant species can be affected by several factors, and conclusive determination status, or extent, is not

possible through preliminary survey alone. As the presence of invasive species can generate significant costs to development, the client may wish to instruct a dedicated invasive species survey prior to entering into contracts.

Ecological Constraints

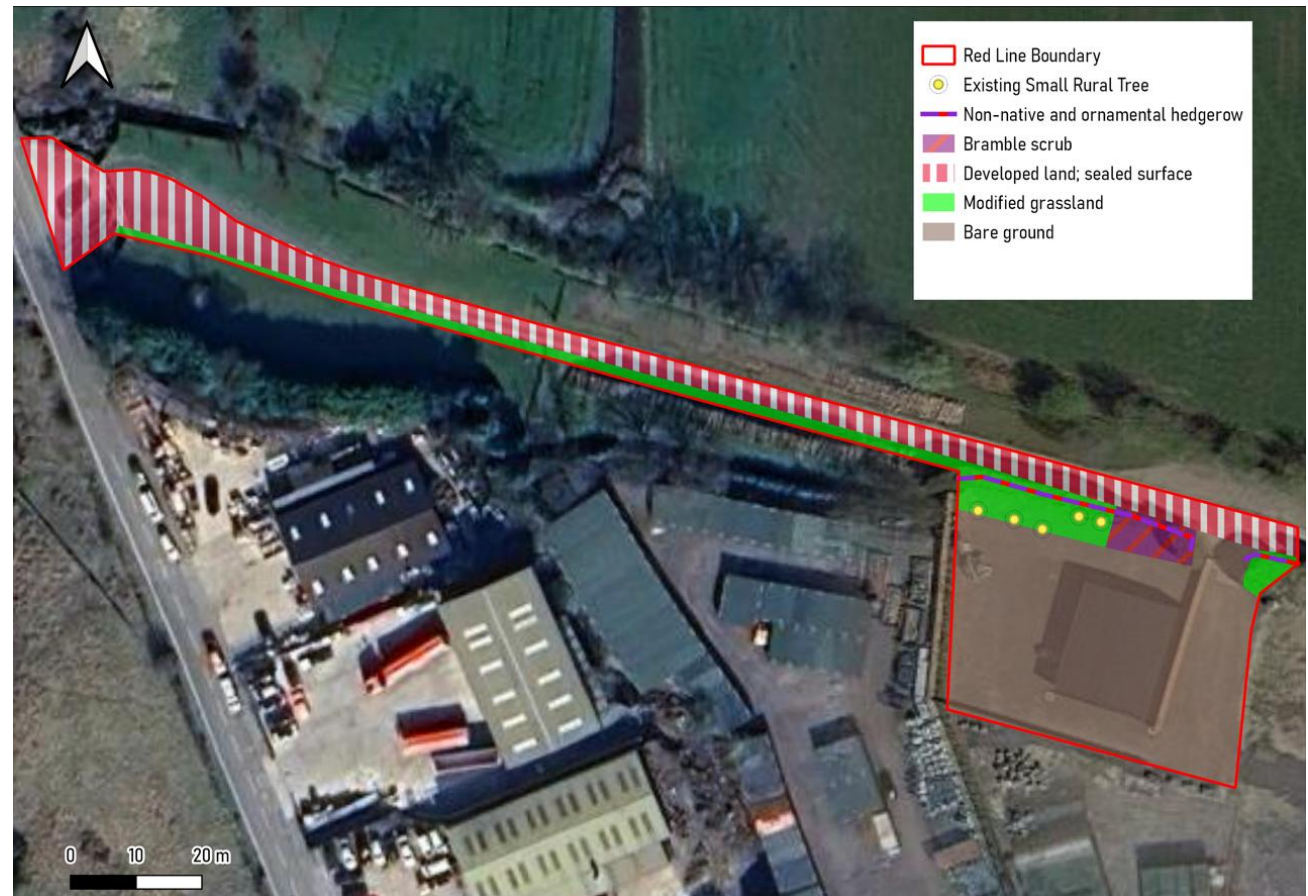
Habitat Value

86. The plan opposite shows the likely habitats that were present on Site prior to works taking place. Habitats of highest distinctiveness were bramble scrub and trees, and all other habitats are of low or very low habitat distinctiveness.
87. Habitats would not impose any particular design constraints. Loss of habitat of this nature are not of the order which would require specific mitigation or compensation as they are common locally.

Faunal constraints

88. Faunal constraints have not been identified within the Site boundary. Any ongoing works adjacent to Shepley Dike need to be carried out sensitively and with regard to the potential presence of protected species here, specifically water vole and white clawed crayfish.

Figure 12 Habitats on Site prior to clearance



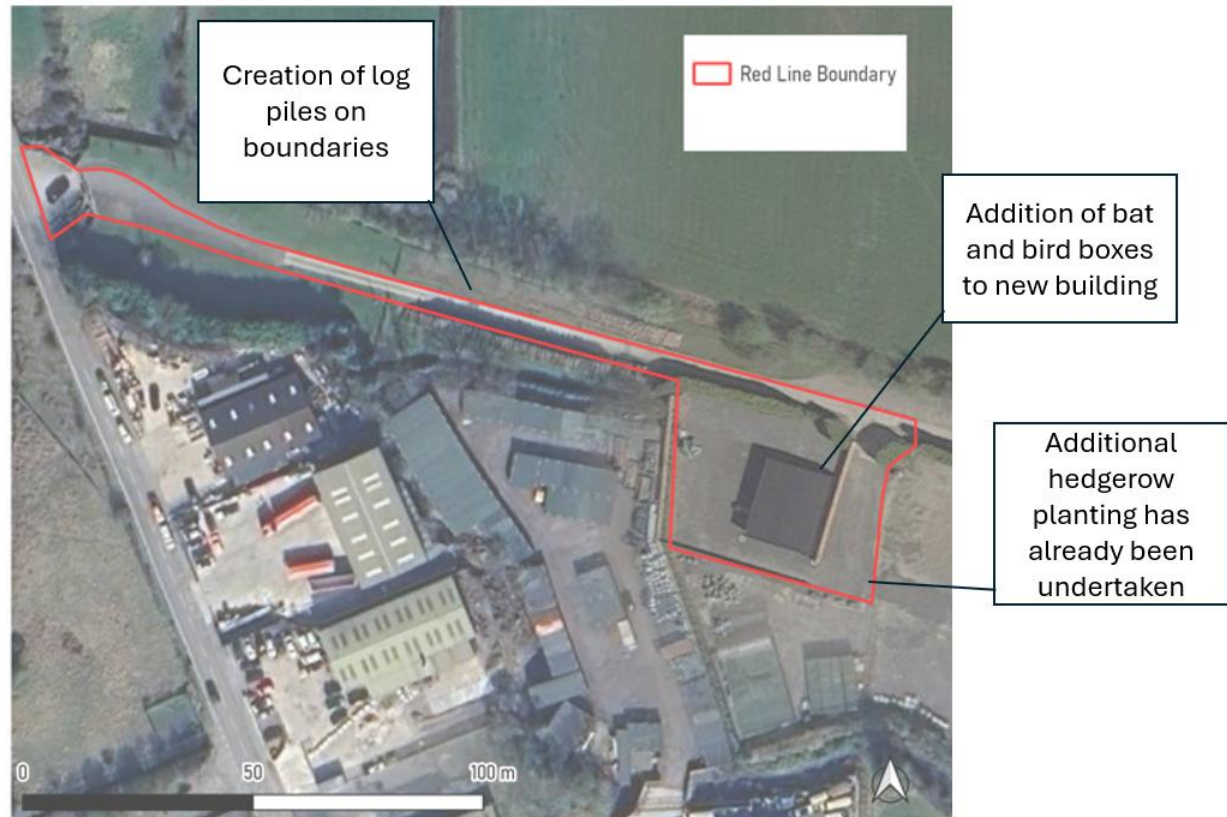
Ecological Opportunities

89. Ecological opportunities at the Site relate to:

- Potential to improve connectivity locally by planting additional trees and hedgerow planting. It is noted that some hedgerow planting has already taken place on, and adjacent to, the Site post-construction.
- Installing roosting or nesting features on the new building.
- Creation of log piles on Site boundaries to create habitat for terrestrial mammals, reptiles and invertebrates.
- Maintain a stand-off buffer of at least 5m from the edge of Shepley Dike and any site works to employ pollution prevention measures to prevent run-off into the watercourse.

90. A Biodiversity Management Plan would be useful in defining these enhancements and can be secured by standard condition.

Figure 13 Ecological Opportunities.



Conclusions and Recommendations

Planning considerations		
Recommendation	Rationale	When
R1 Additional surveys	No additional surveys recommended.	N/A
R2 Produce a layout which minimises loss of biodiversity	Engage with the Constraints and Opportunities set out above. Some of these recommendations have already been implemented.	As the proposed development is already in place, this is recommended to take place as soon as is practicable.

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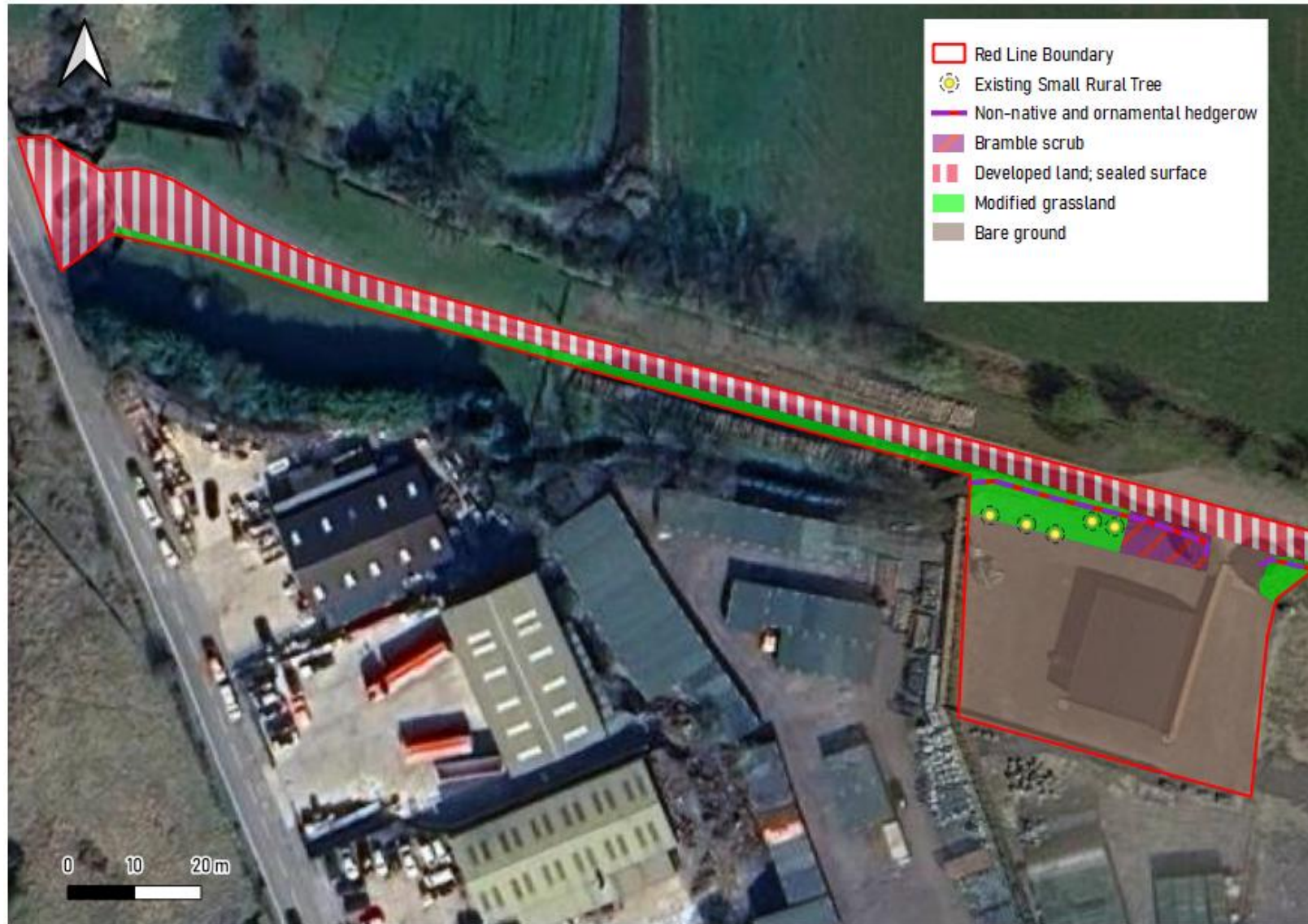
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Appendix 1 Habitats and Ecological Features



Appendix 2 List of species recorded

Common Name	Scientific Name
Bindweed	<i>Convolvulus arvensis</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broad-leaved dock	<i>Rumex obtusifolius</i>
Butterbur	<i>Petasites hybridus</i>
Creeping bent	<i>Agrostis stolonifera</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Leylandii	<i>Cupressus x leylandii</i>
Oak sp.	<i>Quercus</i> sp.
Perennial ryegrass	<i>Lolium perenne</i>
Dove's-foot cranesbill	<i>Geranium molle</i>
Stork's-bill	<i>Erodium cicutarium</i>
Teasel	<i>Dipsacus fullonum</i>
White clover	<i>Trifolium repens</i>

Appendix 3 Explanatory Notes and Resources Used

Site Context

Aerial photographs published on commonly used websites were studied to place the site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This approach can be very useful in determining if a site is potentially a key part of a wider wildlife corridor or an important node of habitat in an otherwise ecologically poor landscape. It can also identify potentially important faunal habitat (in particular ponds) which could have a bearing on the ecology of the application site. Ponds may sometimes not be apparent on aerial photographs so we also refer to close detailed maps that identify all ponds issues and drains.

Designated Sites

A search of the MAGIC (Multi-Agency Geographic Information for the Countryside) website was undertaken. The MAGIC site is a Geographical Information System that contains all statutory (e.g. Sites of Special Scientific Interest [SSSIs]) as well as many non-statutory listed habitats (e.g. ancient woodlands and grassland inventory sites). It is a valuable tool when considering the relationship of a potential development site with nearby important habitats. In addition, information from the local record holders was referred to on locally designated sites.

Functional linkage with off-Site habitats

When assessing these we consider whether the Site could be functionally linked to them, considering links such as:

- Hydrological links – is the Site upstream downstream, or could ground water issues affect it?
- Physical links – is the site in close proximity and could it be directly or indirectly affected by construction and operational effects? Conversely it may be that despite proximity major barriers separate the two.
- Recreational links – do footpaths and roads make it likely that increased recreational pressure could be felt?
- Habitat links – is the site part of a network of similar habitat types in the wider area? These could be joined by linear corridors or could simply be ‘stepping stones’ of habitat of similar form or function.

Method

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was “Extended” in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).

Faunal Appraisal

This section first looks at the types of habitat found on Site or within the sphere of influence of potential development, then considers whether these could support protected, scarce, or NERC Act 2006 Section 41 species (referred to collectively as ‘notable species’).

Records of notable species supplied from a 2km area of search by West Yorkshire Joint Services are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen out and do not present accounts of notable species or groups which do not meet these criteria – in some cases it may be necessary to explain this reasoning.

Bats

Bat roosting potential is classified according to the following criteria set out below, taken from the Bat Conservation Trust Good Practice Guidelines (2023).

Bat Roosting Suitability of Buildings

Suitability	Criteria
<i>None</i>	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).
<i>Negligible</i>	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
<i>Low</i>	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
<i>Moderate</i>	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
<i>High</i>	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.

Bat Roosting Suitability of Trees

Suitability	Criteria
<i>None</i>	Either no PRFs in the tree, or highly unlikely to be any.
<i>FAR</i>	Further assessment required to establish if PRFs are present within the tree.
<i>PRF-I</i>	Potential roost feature suitable to support individual or low numbers of bats
<i>PRF-M</i>	Potential roost feature suitable to support multiple bats and possibly be used by a maternity colony

Evaluation

In evaluating the Site, the ecologist will take into account a number of factors in combination, such as:

- the baseline presented above,
- the Site's position in the local landscape,
- its current management and
- its size, rarity or threats to its integrity.

There are a number of tools available to aid this consideration, including established frameworks such as Ratcliffe Criteria or concepts such as Favourable Conservation Status. Also of help is reference to Biodiversity Action Plans in the form of the Local BAP and Section 41 of the NERC Act (2006) to determine if the Site supports any Priority habitats or presents any opportunities in this respect.

The assessment of impacts considers the generic development proposals from which potential effects include:

- Vegetation and habitat removal
- Direct effects on significant faunal groups or protected species
- Effects on adjacent habitats or species such as disturbance, pollution and severance
- Operation effects on wildlife such as noise and light disturbance

Appendix 4 Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2023) is now widely accepted as providing a basis and rationale for scoping and conducting bat surveys. It is acknowledged that the guidelines provide a wealth of background and are a very useful tool in standardising approaches to survey, it is also felt that an over reliance on some of the guidelines within this document can result in the provision of complicated surveys where they have significant consequences for the cost, or timescale of a large project, but could never deliver positives for bat conservation.

Taking the BCTG document as a whole, Chapter 2 helps the reader understand whether or not surveys are required, and that in the context of planning and development survey is required in relation to ensure;

- the avoidance of legal offences, and;
- the provision of a sufficient level of information – such that will allow the Local Planning Authority to make an informed decision on the proposals and their potential impacts on the Favourable Conservation Status (FCS) of bats.

Attendance at seminars presented by, and discussions with, those involved in production of the BCTG document has emphasised the point that it is within the remit of the consultant ecologist to make a decision on the necessity and scope of surveys – they will use the guidelines in doing so but are not in any way bound by them: this is reflected in Section 1.1 of the guidelines –

‘The Guidelines do not aim to either override or replace knowledge and experience. It is accepted that departures from the guidelines (e.g. either decreasing or increasing the number of surveys carried out or using alternative methods) are often appropriate. However, in this scenario an ecologist should provide documentary evidence of (a) their expertise in making this judgement and (b) the ecological rationale behind the judgement.’

Such decisions require a consideration of the potential of the project to impact on bat habitat, alongside analysis of the value of habitat on and around the site and of local records and the likelihood that bats might occur in significant numbers. Our reports aim to present information on how we have arrived at our decision on the Site, what assumptions we have based this on, and where further survey is recommended we indicate what the objective of this survey should be and how best this would be achieved.

The Site is small, not strategically located and did not contain any potential key habitat features for bats, its use by this group can be easily predicted making any requirement for additional survey disproportionate.

This assessment was made by Stefanie Pearse BSc (Hons) MSc ACIEEM. Stef is registered to use the Class Survey Licence WML CL18 (Level 1).

Appendix 5 Wildlife Legislation, Policy and Guidance

This is not an exhaustive list but sets out briefly the relevance of Legislation, Policy and Guidance in terms of planning applications and this assessment.

Legislation

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

Provides framework at an international (EU) level for the consideration/protection of European Protected Species (EPS), and habitats through the designation of sites.

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive) and The Ramsar Convention on Wetlands of International Importance (1971)

Provides framework at an international (EU) level for the consideration/protection of important bird populations and the sites on which they are dependant.

The Conservation of Habitats and Species Regulations (2010)

This transposes the EC Habitats Directive into UK law and provides the basis on which all EPS are protected and impacts on them can be licensed in the UK.

The Wildlife and Countryside Act (1981) as amended

This provides the basis on which UK species are legally protected or restricted and confers protection on Sites of Special Scientific Interest SSSIs. It contains annexes of plants and animals which are legally protected as well as those which are considered to be invasive or harmful. It provides the basis on which impacts on such species can be licensed in the UK and provides controls on work on or near SSSIs.

The Countryside and Rights of Way Act 2000 (CRoW)

Provides a statutory basis for nature conservation, strengthens the protection of SSSIs and UK protected species and requires the consideration of habitats and species listed on the UK and Local Biodiversity Action Plans (UKBAP/LBAP).

Natural Environment and Rural Communities Act 2006 (NERC)

Sets out the responsibilities of Local Authorities in conserving biodiversity. Section 41 of the Act requires the publishing of lists of habitats and species which are "of principal importance for the purpose of conserving biodiversity". At present these largely reflect those making up the UKBAP lists.

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

Protects badgers from persecution, this includes excavation/development in the proximity of setts.

Protected SitesStatutory EU/International Protected Sites

Special Areas of Conservation (SACs); and Special Protection Areas (SPAs) and Ramsar Sites contain examples of some of the most important natural ecosystems in Europe. Work on or near these sites is strictly protected and Local Authorities will be expected to carry out 'Appropriate Assessment' of development in proximity of them. In this case there is often an increased burden on the developer in relation to provision of information and assessment.

Statutory UK Protected Sites

Local Nature Reserves (LNRs); National Nature Reserves (NNRs); Sites of Special Scientific Interest (SSSIs) all receive strict protection under UK legislation. Work in or in proximity to these sites would be restricted with any needing to be agreed with Natural England. Natural England now provide guidance on the nature of development which could impact on SSSIs through Impact Risk Zones.

Locally Protected Sites

Local Authorities have a variety of protected wildlife sites designated at a local or regional level. These are gradually being brought under the banner of Local Wildlife Sites (LWS) but at present a plethora of different designations exist – all subject to local policy.

Protected SpeciesEuropean Protected Species

A number of species (most relevantly bats, great crested newts [GCN], and otters) receive strict protection from killing, injury and disturbance under The Conservation of Habitats and Species Regulations (2010). Protection is also conferred on the habitats on which they rely such as roost space in the case of bats and ponds and fields etc. in the case of GCN.

UK Protected Species

A number of species (including bats, GCN, water vole and white clawed crayfish) are strictly protected under The Wildlife and Countryside Act (1981) as amended, from killing, injury, disturbance and damage or destruction of their resting places etc. Certain species (such as reptiles) and some birds (such as barn owl) receive partial protection e.g. at certain times of the year or from certain activities only. All

nesting bird species are protected from damage or destruction of their nests – whilst active.

Invasive speciesSchedule 9 of the Wildlife and Countryside Act (1981) as amended.

Lists these species and makes it an offence to cause or allow their spread in the wild. This often has impacts on development and planning in relation to the presence of invasive plant species such as: Himalayan balsam (*Impatiens glandulifera*), Japanese knotweed (*Reynoutria japonica*), and giant hogweed (*Heracleum mantegazzianum*).

Planning Policy/GuidanceThe National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in December 2024. The most relevant paragraphs from the NPPF are set out below.

The approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is and this falls under one of three objectives of the planning system – the 'environmental objective' applying in this case. Paragraph 8c (P8c) of the NPPF states that sustainable development should "protect and enhance our natural, built and historic environment", including "improving biodiversity". P10 sets out the Framework's presumption in favour of sustainable development.

Section 11 of the NPPF details making effective use of land. The Framework states that planning policies and decisions should take "opportunities to achieve net environmental gains – such as developments that would enable new habitat creation" and should "recognise that some undeveloped land can perform many functions, such as for wildlife" (P125).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be "protecting and enhancing valued landscape [and] sites of biodiversity [...] value", "recognise the intrinsic character and beauty of the countryside" and contribute to conserving and enhancing the natural environment and reducing pollution (P187). Allocations of land for development should, "allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" and "take a strategic approach to maintaining and enhancing networks of habitats" (P188).

The Framework sets out ways to minimise the impacts on biodiversity through plans which "identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity" and 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" (P192).

It is made clear in P193 that local planning authorities should apply a set of principles when determining planning applications. Planning permission should be refused "if significant harm to biodiversity resulting from development cannot be avoided [...], adequately mitigated, or, as a last resort, compensated for". Development should not normally be permitted where an adverse effect on a SSSI

is likely, and "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

UK Biodiversity Indicators 2023: update to Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

The UK Biodiversity Indicators 2023 provide updates to the indicators set out in Biodiversity 2020 including new species abundance targets as set out in the Environment Act 2021. Biodiversity 2020 builds on the Natural Environment White Paper (June 2011) – Setting out the current UK Government's approach to nature conservation. It promotes a more coherent and inclusive approach to conservation and the valuing in economic and social terms of economic resources.

The strategy promotes initiatives such as Biodiversity Offsetting, Nature Improvement Areas and a focus on well-connected natural networks and introduces the concept of securing a 'no net loss' situation with regard to UKBAP/Section 41 habitats and species.

ODPM circular 06/05 (2005) Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System

Provides guidance to Local Authorities on their obligations to biodiversity – particularly in relation to assessing planning applications and ensuring the adequacy of information.

BSI (2013) British Standards Institute BS 42020:2013 Biodiversity – Code of Practice for Planning and Development

Provides a standard for the biodiversity assessment and development industries and decision makers such as Local Planning Authorities to work to.