



Kirklees Local Plan Examination

**Matter 30: Huddersfield Green Belt Allocations – H2684a
Ecology**

Council Response to Inspector's Requests

May 2018

Planning Policy Group
Investment and Regeneration Service
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Matter 30: H2684a/H2630a – Land to the east of Woodsome Drive, Lepton

Inspector's request for:

- Note to set out the Councils response to ecological reports submitted on behalf of site promoters (as requested by the inspector email dated 29th March 2018)

Council note on ecology of the site:

Further from the hearing session, the Council is now in receipt of a further ecological report pertaining to site H2684a (see attached at Appendix 2). The Council has three ecological reports relating to sites H2730a and H2684a.

The response from the Councils Ecology officer is attached at Appendix 1.

Given the additional information received regarding the ecology of H2684a, the Council propose the following modification to the site specific considerations within the site text box:

- Avoidance, mitigation and/or compensation measures will be required to address any identified adverse ecological impacts in line with Policy PLP30. Such measures will involve the retention of habitats and provision of a habitat corridor to be included within a masterplan for the site.

Appendix 1 – Councils Ecology officer response:

Biodiversity Response for H2684a & H2730a

Establishing an Ecological Baseline

Preliminary Ecological Appraisal Reports have been undertaken independently for each of the allocations and submitted by the site promoters. Reports of this type, as the name suggests, provide a preliminary evaluation of the ecological importance of the habitats within and surrounding a site. In this case the reports take account of the potential value of the habitats present in their own right, and their potential to support protected species.

In general the report for H2730a incorporates the results of more in-depth survey. These surveys include, but are not limited to, evaluations of trees for bat roost potential and Beldon Brook for otters, water voles etc. The report for H2684a is limited in this respect and largely includes such surveys as recommendations for further work. The report for H2684a also makes some outline recommendations for mitigation, which will largely need to be validated through further surveys. The site promotor for H2684a has also commissioned and submitted a badger survey report, which describes in more detail badger setts that were identified as part of the preliminary work. Crucially, this report has not been based on a bait marking survey, which would provide the information necessary to assess the impacts of the scheme on the badger social group or groups present.

Based on the recommendations in all submitted ecological reports relating to H2684a and H2730a, together with my professional opinion in light of the nature and location of the allocations, the following phase 2 surveys are required to inform scheme design and to design ecological mitigation measures. The following are required for both allocations:

- Botanical survey of grassland habitats during optimum season.
- Presence/absence survey for great crested newts within 500 m of the combined allocation boundaries. Environmental DNA analysis is an option, but this technique has limitation that should be fully considered.
- Breeding bird survey comprising 3 visits in the same year.
- Bat activity survey to describe how foraging bats use the combined site.
- Preliminary roost assessment of mature trees in H2684a to describe potential for roosting bats.
- Presence/absence survey of features with potential to support roosting bats. This is as necessary to inform scheme design to select the least damaging option.
- Bait marking survey to determine the territory boundaries of badger social groups within and around the site.
- Survey of Beldon Brook for otter, water vole and white-clawed crayfish.

Design Implications

As the ecological baseline has not been fully established there is currently insufficient information to ensure that a layout can be designed in accordance with the mitigation hierarchy in policy PLP 30 and NPPF. However, when considered as a whole, the allocation is known to support a large main badger

sett. Without revealing the location of the sett, it is my opinion that, subject to survey to define local badger territories, the main sett can be retained if the combined allocation includes a suitable habitat corridor linking the sett to suitable foraging habitats. This approach will require a collaborative approach between the separate landowners.

The additional survey requirements are likely to identify additional mitigation requirements. However, the remaining potential constraints largely relate to species that are restricted to aquatic habitats (otter, water vole and white-clawed crayfish) or which are highly mobile (birds and bats). As aquatic habitats will be retained, impacts to species using these habitats will be readily avoided, and more mobile species are more readily incorporated into the built element of developments (e.g. bat and bird boxes).

The buffer areas and habitat corridors that will need to be incorporated into the layout will be ideal locations for grassland habitat creation if the botanical surveys identify a need for this.

If great crested newts are found to be present a licence is likely to be required. It will be necessary to ensure there is sufficient terrestrial habitat retained, which may also utilise buffer zones and habitat corridors.

A well designed scheme, particularly where the combined allocations are subject to an overall masterplan, will be able to incorporate each of the above species groups into the layout. The results of additional survey will determine the exact requirements for each species group in this location. The resulting layout is likely to have significant areas of green infrastructure.

Appendix 2 – Badger Survey (to be inserted following redaction)

SF2683

June 2017
v1

Badger Assessment Report
Land East of Penistone Bridge
Fenay Bridge
West Yorkshire

**THIS REPORT HOLDS CONFIDENTIAL INFORMATION & SHOULD NOT BE
MADE AVAILABLE WITHIN THE PUBLIC DOMAIN**

Landscape Architects ■ Urban Designers ■ Ecologists ■ Horticulturists

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Report Verification:

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1.0 INTRODUCTION

Smeeden Foreman Limited has been commissioned by Farnley Estates to undertake a badger survey and assessment of their site at Land East of Penistone Bridge, Fenay Bridge, West Yorkshire (central grid reference SE 19022 14333), hereafter referred to as the 'site'.

The purpose of this report is to assess the current status of badger at the site to identify how badger may be affected by the development proposals. Where potential impacts on badger are identified the need for mitigation measures and requirements for further surveys will be discussed.

The report has been commissioned to inform the application to construct 286 residential houses at the site.

2.0 SITE DESCRIPTION

The site is located on the outskirts of the village of Fenay Bridge. It occupies an area of approximately 10 hectares and comprises a field of arable cropland to the west and a mixture grassland and woodland to the east, refer to *Figure 01* below.



Figure 01: Aerial view / site location

The site is bound to the north by a fence beyond which lies fields of pasture and the village of Fenay Bridge; to the east by a fence beyond which lies fields of pasture and Lepton Great Wood SSSI; to the south by a fence and Beldon Brook, beyond which lies fields of pasture and commercial and residential buildings; and, to the west by a fence and Penistone Road, beyond which lies fields of pasture and tracts of broadleaf woodland.

3.0 BASELINE INFORMATION

3.1. Legal protection

Badgers and their setts are protected by the Protection of Badgers Act 1992. Under the Act it is illegal to:

- Wilfully kill, injure or take a badger or attempt to do so;
- Cruelly ill-treat a badger; and,
- Interfere with a sett by doing any of the following:
 - (i) damaging a badger sett or any part of it;
 - (ii) destroying a badger sett;
 - (iii) obstructing access to a badger sett;
 - (iv) causing a dog to enter a sett; and,
 - (v) disturbing a badger while it is occupying a sett.

Penalties for offences under the Act are up to six months in prison and a fine of £5,000 for each offence.

3.2. Methodology

The ecological interest of the site and its surroundings with regards to badger has been investigated by a combination of the following.

- Desk study of existing sources of information including:
 - Preliminary Ecological Appraisal (JCA Ltd 2017); and,
 - Aerial photographs.
- Field survey of the site and immediate surroundings

3.3. Preliminary Ecological Appraisal

3.4. Site Survey

3.4.1. Methodology

A walkover survey of the site was undertaken. A thorough search for badger was carried out within and adjacent to the site, looking for evidence of badger such as digging, scratching, pathways, latrines, setts, hairs and prints. Key field signs were marked using a Global Positioning System (GPS) device. For any setts identified, where possible the type of sett (i.e. main, annexe, subsidiary or outlier) and its activity level were determined by assessing the following factors:

- Number of holes;
- Amount of spoil;
- Number and direction of adjacent/nearby pathways;
- Level of usage of pathways (how well worn);
- Level of surrounding ground disturbance;
- Location, type and activity of other setts identified; and,
- Presence, type and location of major landscape features such as roads and rivers.

This information was used to help determine the location, type and importance (to badgers) of any active setts that may be impacted upon by the proposed development.

3.4.2. Results

4.0 IMPLICATIONS / RECOMMENDATIONS

Badgers are protected under the Protection of Badgers Act 1992, which makes it illegal to wilfully harm or interfere/disturb a badger or its sett. Constraints to the development in the vicinity of these setts are considered to be as follows:

If the above conditions cannot be met for any of the above setts then further survey and a licence from Natural England (NE) may be required prior to commencement of such works. Which may involve a combination of the following:

¹ Natural England (NE) will only issue licences to close a sett during the months of July to November when badgers are not breeding, and it takes a minimum of two months from starting the application to submitting it and getting a response from NE.

5.0 SUMMARY

Smeeden Foreman Limited has been commissioned by Farnley Estates to undertake a badger survey and assessment of their site at Land East of Penistone Bridge, Fenay Bridge, West Yorkshire, hereafter referred to as the 'site'.

If the above conditions cannot be met for any of the above setts then further survey and a licence from Natural England (NE) may be required prior to commencement of such works.

Refer to *Section 4.0* above for more details.

FIGURES

Figure 02: Badger Activity Map



