

## SECTION 2.2 Site Investigation Reports

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### 2.2.3 Ecology Report

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**Calder Park, Peel Avenue**  
on behalf of Tungsten Properties  
**Ecological Assessment**



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## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Background.....	1
1.2	Site Overview.....	1
1.3	Legislative Framework, Planning Policy and Guidance .....	1
1.4	European Protected Species (EPS) Policies.....	2
<b>2</b>	<b>METHODOLOGY .....</b>	<b>3</b>
2.1	Desktop Study.....	3
2.2	Field Survey .....	4
<b>3</b>	<b>BASELINE .....</b>	<b>4</b>
3.1	Designated Sites for Nature Conservation .....	4
3.2	Habitats and Flora.....	6
3.3	Protected and Notable Species .....	7
<b>4</b>	<b>DISCUSSION.....</b>	<b>11</b>
4.2	Designated Sites for Nature Conservation .....	11
4.3	Habitats and Flora.....	11
4.4	Protected and Notable Species .....	12
<b>5</b>	<b>SUMMARY - ECOLOGY PRIORITY MATRIX.....</b>	<b>17</b>

Figure 1: Site Location Plan

Figure 2: Statutory Designated Sites

Figure 3: Non-statutory Designated Site

Figure 4: Phase 1 habitat Plan

Appendix 1: Photographs

Appendix 2: Reptile and Amphibian Reasonable Avoidance Measures (RAMs)

# 1 INTRODUCTION

## 1.1 Background

1.1.1 This report has been prepared by Avian Ecology Ltd. on behalf of Tungsten Properties, and provides an assessment of ecological effects in relation to the proposed construction of an industrial unit and associated infrastructure on land at Calder Park, Peel Avenue, Wakefield.

1.1.2 The objectives of the Assessment are to:

- Provide baseline information on the current habitats and ecological features both within the Site and immediate surrounding area;
- Identify the proximity of any designated sites for nature conservation interest and provide an assessment of any potential effects the proposed development may have on these;
- Identify the presence or potential presence of any protected species or habitats and provide an assessment of any potential effects the proposed development may have on these; and,
- Provide recommendations for further pre-construction checks and / or mitigation measures, if required, and provide an outline of proposed habitat enhancements, if applicable.

1.1.3 The report is based on a desk based review and Extended Phase 1 habitat survey of habitats within and immediately adjacent to the Site.

1.1.4 Reference is also made to *KL-471-001 Soft Landscaping Plan* and *LL-1216-001 Street Lighting Layout*.

## 1.2 Site Overview

1.2.1 The Site primarily comprises cleared land dominated by bare ground.

1.2.2 Immediately adjacent to the Site, there are drainage ditches, waterbodies, roads and industrial developments. The wider area is dominated by residential and urban infrastructure with pools associated with the River Calder to the north of the Site.

1.2.3 The Site is located 2km south west of Wakefield in West Yorkshire.

## 1.3 Legislative Framework, Planning Policy and Guidance

1.3.1 Reference has been made to the following key pieces of legislation, planning policy and guidance listed in **Table 1.1**.

**Table 1.1: Key legislation, planning policy and guidance.**

European
<ul style="list-style-type: none"><li>• Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (hereafter referred to as the 'Habitats Directive');</li><li>• Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (codified version of Directive 79/409/EEC as amended) (hereafter referred to as the 'Birds Directive'); and,</li><li>• Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (hereafter referred to as the species of Union concern).</li></ul>

National
<ul style="list-style-type: none"> <li>• The ‘Conservation of Habitats and Species Regulations 2017 (as amended)’. Note this may also be referred to as the ‘Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>1</sup> is to continue with the 2017 reference at this time. For the purposes of this report these two references are interchangeable and hereafter referred to as the ‘Habitat Regulations’</li> <li>• The Environment Bill 2020 (currently in passage and therefore not yet adopted);</li> <li>• The Wildlife and Countryside Act 1981 (as amended);</li> <li>• Countryside and Rights of Way Act 2000;</li> <li>• Infrastructure Act 2015;</li> <li>• Protection of Badgers Act 1992;</li> <li>• Hedgerow Regulations 1997;</li> <li>• Natural Environment and Rural Communities (NERC) Act (2006);</li> <li>• The National Planning Policy Framework 2 (NPPF2, 2019)<sup>2</sup>;</li> <li>• The Defra Biodiversity Metric 2.0<sup>3[2]</sup>; ‘Birds of Conservation Concern 4’ (Eaton <i>et al.</i>, 2015)<sup>4[3]</sup>;</li> <li>• The United Kingdom Biodiversity Action Plan (UK BAP);</li> <li>• The Bat Conservation Trust - <i>Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> Ed.)</i>.<sup>5</sup>; and,</li> <li>• BS 42020:2013 Biodiversity – Code of Practice for Planning and Development.</li> </ul>
Local
<ul style="list-style-type: none"> <li>• Wakefield Biodiversity Action Plan<sup>6</sup></li> </ul>

1.3.2 The ‘UK Post-2010 Biodiversity Framework’<sup>7</sup> succeeds the UK Biodiversity Action Plan (UK BAP) and ‘Conserving Biodiversity – the UK Approach’. The lists of priority species and habitats agreed under UK BAP still form the basis of much biodiversity work and are therefore considered within this report in the context of the objectives of the Biodiversity Framework. BAPs identify habitats and species of nature conservation priority on a UK (UK BAP) and Local (LBAP) scale. UK BAPs, although now effectively superseded, formed the basis for statutory lists of priority species and habitats in England under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006, and so are also relevant in the context of this legislation.

## 1.4 European Protected Species (EPS) Policies

1.4.1 European Protected Species (EPS), such as bats, great crested newts and otters, receive full protection under The Conservation of Species and Habitats Regulations 2017 (as amended) (‘the Habitat Regulations’). This makes it an offence to:

- deliberately capture, injure or kill any EPS;
- to deliberately disturb them; and,
- to damage or destroy a breeding site or resting place.

<sup>1</sup> <https://cieem.net/referencing-environmental-eu-legislation-post-brexit/>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>3</sup> <http://publications.naturalengland.org.uk/publication/5850908674228224>

<sup>4</sup> Eaton, M., Aebischer, N., Brown, A., Hearn, R., Lock, L., Musgrove, A., Noble, D., Stroud, D. and Gregory, R (2015). Birds of Conservation Concern 4: the population status of birds in the UK, Channel Islands and Isle of Man. *British Birds*, 108, pp708-746.

<sup>5</sup> Collins *et al.* (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines*. 3<sup>rd</sup> edition, BCT: London

<sup>6</sup> <http://www.wakefield.gov.uk/Documents/sports-leisure/parks-countryside/biodiversity-action-plan.pdf>

<sup>7</sup> <http://jncc.defra.gov.uk/page-6583>

- 1.4.2 In addition, the Wildlife and Countryside Act 1981 (as amended) makes it an offence to intentionally or recklessly disturb a EPS while it is occupying a structure or place which it uses for shelter or protection, or to obstruct access to any structure or place the species uses for shelter or protection.
- 1.4.3 Natural England (NE) is the primary enforcing body of the Habitat Regulations and therefore responsible for implementation and compliance in England. In February 2016 NE published '*Wildlife licensing: comment on new policies for European protected species licence*'<sup>8</sup>. NE sought (on DEFRA's behalf) wide ranging views on whether four new policies could be permitted under licence to benefit EPS whilst improving flexibility for development. Following from this consultation, in December 2016 NE officially introduced the four licensing policies throughout England<sup>9</sup>.
- 1.4.4 The four policies seek to achieve better outcomes for EPS and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:
- Policy 1 provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
  - Policy 2 provides greater flexibility in the location of compensatory habitat;
  - Policy 3 provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
  - Policy 4 provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.
- 1.4.5 The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably NE now recognises that the Habitats Regulations 2017 legal framework now applies to 'local populations' of EPS and not individuals/site populations.
- 1.4.6 Where the four policies are considered relevant to the application they are discussed within the corresponding assessment of effects sections for EPS which could potentially occur on or close to the Site.

## 2 METHODOLOGY

### 2.1 Desktop Study

- 2.1.1 A desktop study was undertaken to identify any known existing features or species of ecological importance within the study area (as defined below).
- 2.1.2 The desk study included a review of relevant policy and guidance and sought to identify any statutory designated sites for nature conservation through a review of the Natural England, JNCC and Multi Agency Geographic Information for the Countryside (MAGIC)<sup>10</sup> websites. A 5km search radius was adopted for all statutory designated sites (centred on grid reference: SE 31854 18000).
- 2.1.3 Records of non-statutory designated sites as well as protected and notable species were requested for the proposed development and are used here to inform this Ecological Assessment; data was

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<sup>8</sup> <https://www.gov.uk/government/consultations/wildlife-licensing-comment-on-new-policies-for-european-protected-species-licences>

<sup>9</sup> <https://www.gov.uk/government/news/new-licensing-policies-great-for-wildlife-great-for-business>

<sup>10</sup> <http://www.magic.gov.uk>.

requested for a 2km radius centred on grid reference SE 31854 18000; information was provided by West Yorkshire Ecology Service (WYES)

- 2.1.4 Reference was also made to Ordnance Survey maps of the wider area and online aerial images ([www.google.co.uk/maps](http://www.google.co.uk/maps)) in order to determine any features of nature conservation interest in the wider area.

## 2.2 Field Survey

### *Extended Phase 1 Habitat Survey*

- 2.2.1 An extended Phase 1 habitat survey within the red line boundary (the Site) and immediate surrounding area was undertaken on the 15<sup>th</sup> October 2020 by Z Hinchcliffe MRes, a suitably experienced ecologist. The extent of the survey area is presented in **Figure 1**.
- 2.2.2 The survey methodology followed UK industry standard Joint Nature Conservation Committee (JNCC) Phase 1 Habitat Methodology (JNCC, 2010).
- 2.2.3 Habitats within and immediately adjacent to the Site were mapped and described using a series of 'target notes' (TNs), to provide an overview of the study area. The survey was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, invasive species and other species of conservation significance.

### *Limitations of Survey*

- 2.2.4 An Extended Phase 1 habitat survey does not constitute a detailed botanical survey or faunal species list or provide a full protected species survey but, enables competent ecologists to ascertain an understanding of the ecology of the study area in order to:
- Broadly identify the nature conservation value of the study area and assess the significance of any potential impacts on habitat/species recorded; and/or,
  - Confirm the need and extent of any additional specific ecological surveys that are required to identify the true nature conservation value of the study area (if any).
- 2.2.5 The Extended Phase 1 survey was undertaken in October, just outside of the optimum period for botanical surveys (approximately April to September). The Site was mostly dominated by bare ground and species-poor habitats, so timing of the survey was not considered to be a constraint to the objectives of the assessment.

## 3 BASELINE

### 3.1 Designated Sites for Nature Conservation

#### *Statutory Designated Sites*

- 3.1.1 A review of MAGIC confirmed that the Site is not located within any statutory or non-statutory designated site for nature conservation.
- 3.1.2 The search identified nine statutory designated sites within a 5km radius of the Site boundary and a further statutory designated site of international significance within 10km, described in **Table 3.1** and shown on **Figure 2**.



**Table 3.1: Statutory designated sites.** (SAC: Special Areas of Conservation; SSSI: Site of Special Scientific Interest; LNR: Local Nature Reserve).

Designated site	Distance and direction	Details
Pugneys LNR	700m East	The area was developed from a former opencast mine and a sand and gravel quarry and was opened to the public in 1985. The site is an important site for wintering waterfowl.
Newmillerdam LNR	2.4km South	Mixed woodland surrounding large waterbody.
Chevet Branch Line LNR	3.3km South East	A railway track bed disused since 1986 with species make up usually associated with limestone communities including kidney vetch <i>Anthyllis vulneria</i> , Viper's bugloss <i>Echium vulgare</i> and bladder campion <i>Silene vulgaris</i> .
Seckar Wood SSSI	3.3km South	This site includes an area of heathland and woodland developed on the east facing dip-slope of the Woolley Edge escarpment
Seckar Wood LNR	3.3km South	The site comprises a diverse range of habitats for its size, being a mixture of dry heath, wet heath and woodland, and rich in wildlife
Alverthorpe and Wrenthorpe Meadows LNR	3.3km North	An urban hay-meadow with wetland areas. Good community of meadow grasses and flowers and associated invertebrates.
Walton Nature Park LNR	3.3km East	A nature reserve with open water, meadows and broad-leaved woodland.
Southern Washlands LNR	4.5km North East	This site is in the Lower Calder Valley and forms part of the flood basin for the River Calder. A variety of habitats are present including open water, swamp, marshy grassland, willow and hawthorn scrub.
Haw Park Wood LNR	4.7km South East	A woodland of larch and pine, which have largely replaced oak and birch but a small area of remaining broadleaved trees is thought to be ancient woodland
Denby Grange Colliery Ponds SAC	5.1km South West	A cluster of ponds surrounded by wooded slopes with a healthy population of great crested newt <i>Triturus cristatus</i> .

- 3.1.3 The Site is located within the SSSI Impact Risk Zone (IRZ) of Seckar Wood SSSI, however does not meet the criteria whereby there is a requirement for the Local Planning Authority to consult with Natural England.

#### ***Non-statutory designated sites***

- 3.1.4 The data request identified five non-statutory designated sites located within 2km of the Site as described in **Table 3.2**.

**Table 3.2: Non-statutory Designated Sites. (LWS: Local Wildlife Site).**

Designated site	Distance and direction	Details
Horbury Lagoons LWS	0.2km North West	Two pools of species-rich areas of standing water with various NVC swamp communities.
Soar Tip LWS	0.5km North East	Botanically diverse grassland on a former tip with a mosaic of dense scrub.
Lupset Golf Course LWS	0.5km North	A site with a mixture of broadleaved woodland and rough neutral grasslands as well as two ponds with known populations of great crested newt.
Durkar Lows and Cow Field LWS	0.6km South	Species rich meadow grassland important within the local landscape.
Pugneys LWS	0.7km South East	An area of standing water and swamp with surrounding mixture of habitats including broadleaved plantation woodland.

## 3.2 Habitats and Flora

- 3.2.1 This section should be read in conjunction with the Phase 1 Habitat Plan presented as **Figure 4** and photographs presented in **Appendix 1. Figure 1** also provides an overview of the Site as aerial mapping.
- 3.2.2 The Site (proposed development area within the redline boundary as shown on Figure 1) occupies an area of approximately 6.5ha and comprises mostly bare ground (recently cleared), patches of ephemeral/short-perennial vegetation, tall ruderals and amenity grassland. There are no habitats of Principal Importance (also known as priority habitats) as listed under Section 41 of the NERC Act/UK Biodiversity Action Plan within the Site.
- 3.2.3 The Site is bordered by a wet ditch to the west, south and north with a permanent pond to the east of the Site, outside of the Site boundary. The ditches are vegetated in sections with tall ruderals including great willowherb *Epilobium hirsutum*, bulrush *Typha sp*, willow *Salix sp*, teasel *Dipsacus fullonum* and reed canary grass *Phalaris arundinacea*. In addition, there are several patches of the invasive non-native species Himalayan balsam *Impatiens glandulifera* along the southern boundary of the Site. To the north of the Site are several waterbodies (Lupset Ponds) associated with the River Calder valley. These are large pools with vegetated banks and margins with broadleaved woodland and scrub along boundaries of the watercourses.
- 3.2.4 Species poor amenity grassland road verges are located beyond the southern boundary of the Site, which will be crossed by the proposed access route into the Site from Peel Avenue. This area of grassland included perennial rye grass *Lolium perenne*, annual meadow grass *Poa annua*, red fescue *Festuca rubra* and daisy *Bellis perennis*.
- 3.2.5 Ephemeral/short perennial grassland is located along most Site boundaries as well as in the north eastern corner of the Site where bare ground has started to naturally vegetate. Species typical of such conditions were recorded including bristly ox-tongue *Helminthotheca echioides*, creeping thistle *Cirsium arvense*, spear thistle *C. vulgare*, redshank *Persicaria maculosa*, creeping buttercup

*Ranunculus repens*, common ragwort *Jacobaea vulgaris*, ribwort plantain *Plantago lanceolata*, annual meadow grass, scentless mayweed *Tripleurospermum inodorum*, autumn hawkbit *Scorzoneroideis autumnalis*, dove's-foot cranesbill *Geranium molle* and greater plantain *Plantago major*.

3.2.6 To the western end of the Site, there is a strip of semi-improved grassland dominated by common bent *Agrostis capillaris*. Additional grass species include annual meadow grass, Yorkshire fog *Holcus lanatus*, false oat grass *Arrhenatherum elatius* and reed canary grass. Further species present included autumn hawkbit, white clover *Trifolium repens*, prickly sow thistle *Sonchus asper*, creeping buttercup *Ranunculus repens*, bramble *Rubus fruticosus* and common ragwort.

3.2.7 Target notes from the Extended Phase 1 habitat survey are detailed below in **Table 3.3**

**Table 3.3: Target notes**

Target note	Distance and direction	Photograph
TN1	A signal crayfish <i>Pacifastacus leniusculus</i> was observed close to the bank of the pond to the east of Site within 5m of the Site boundary.	-
TN2	Location of the proposed access crossing of the vegetated ditch. The ditch channel generally lacked vegetation apart from some great willowherb and bankside vegetation at toe of bank including bulrush, great willowherb and some Himalayan balsam.	-
TN3	A previously cleared area of bare ground with growth of ephemeral / short perennials including bristly ox-tongue, ragwort, scentless mayweed and ribwort plantain.	3
TN4	Vegetated ditch with sedge <i>Carex sp</i> and reed canary grass in channel with teasel, great willowherb and creeping thistle along banksides.	4
TN5	Patch of common reed <i>Phragmites australis</i> in wet ditch channel.	5
TN6	Area of semi-improved grassland with common bent, common sorrel, great willowherb, prickly sow thistle, bristly ox-tongue, annual meadow grass, Yorkshire fog.	-
TN7	Amenity grassland strip bordering the Site dominated by perennial rye grass and red fescue, with annual meadow grass and daisy.	-

### 3.3 Protected and Notable Species

#### *Birds*

3.3.1 WYES returned 510 records of both protected and notable bird species within 2km of the Site, including priority species listed on the UK Biodiversity Action Plan (UKBAP), species listed as a priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and/or red or amber listed 'Birds of Conservation Concern' (BoCCs) (Eaton *et al.*, 2015). The Site lies within 2km of Pugneys LNR and LWS, a nationally important site for wintering waterfowl. Most species recorded within 2km of the Site relate to waterbirds associated with Pugney LNR and LWS as well as surrounding waterbodies.

- 3.3.2 A number of records for Schedule 1 birds were provided including barn owl *Tyto alba*, kingfisher *Alcedo atthis*, little ringed plover *Chadarius dubius* and hobby *Falco subbuteo*.
- 3.3.3 The habitats within the Site are generally considered unsuitable for wetland bird species, however the bare ground within the Site, in its current STATE, provides potential breeding habitat for little ringed plover in the breeding season.
- 3.3.4 During the survey, very few bird species were noted within the sparsely vegetated Site, with the exception of 13 lapwing *Vanellus vanellus* and six snipe *Gallinago gallinago* which were all flushed from areas of standing surface (rain) water. In addition, five grey partridge *Perdix perdix* were also noted towards the Site boundary.
- 3.3.5 The Site was considered to offer limited suitable nesting habitat for species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), apart from little ringed plover. The Site does not offer suitable habitat for nesting barn owl or hobby. The Site lies within an industrial landscape with regular human disturbance nearby. Opportunities for breeding birds are therefore limited, in comparison to more favourable habitats further afield including those more closely associated with wetland sites e.g. Pugneys LNR/LWS.

### **Bats**

- 3.3.6 The review of MAGIC found the nearest record of a roosting bat (2017-31461-EPS-MIT) approximately 0.8km to the north west for noctule *Nyctalus noctula* and soprano pipistrelle *Pipistrellus pygmaeus*. A further two mitigation licences have been granted within 2km of the Site with both referring to common pipistrelle *Pipistrellus pipistrellus*.
- 3.3.7 WYES returned 30 records of bats within 2km of the Site for a range of species including common pipistrelle, Daubenton's bat *Myotis daubentonii*, noctule and soprano pipistrelle. Several unidentified bats were included within these records.
- 3.3.8 The Site provides limited opportunities for foraging, with more favourable foraging and commuting features provided by the habitats outside the Site boundary including the pond and hedgerow to the east, and land to the north. Nearby existing development and Peel Avenue along the southern boundary of the Site also provides limited opportunities for bats..
- 3.3.9 The Site does not contain trees or structures suitable to support roosting bat species.

### **Badger**

- 3.3.10 No records of badger were returned from WYES within 2km of the Site.
- 3.3.11 The bare ground which predominates across the Site is generally considered unfavourable habitat for badgers, especially when foraging, however habitats in the wider area may provide suitable foraging, commuting and potentially breeding habitat.
- 3.3.12 No badger setts or other signs of activity were identified during the Extended Phase 1 habitat survey.

### **Otter and Water Vole**

- 3.3.13 The desk study returned 14 records of otter *Lutra lutra* and no records of water vole *Arvicola amphibius* within 2km of the Site. The four closest records of otter are within 1km along the River Calder, with the most recent record located 0.7km to the north west of the Site adjacent to Horbury Lagoons LWS.
- 3.3.14 Ditches around the Site, along with ponds nearby, provide potentially suitable habitat for both otter and water vole, however the lack of foraging resources and absence of suitable resting up places for

otter means this species is unlikely to be present on Site. The shallow slopes of the ditch banks and limited extent and diversity of aquatic or marginal vegetation provides very limited habitat suitability for water voles (if present) to burrow or forage. In addition the ditches held very shallow water (<5-10cm in most sections when surveyed even following prolonged periods of heavy rain), further reducing their suitability for water vole.

- 3.3.15 No evidence of otter or water vole was observed during the Extended Phase 1 habitat survey and are considered unlikely to use the Site. However, the ditches adjacent to the Site are considered potentially suitable for foraging and travelling otter associated with the nearby River Calder and other waterbodies as well as water vole. Taking into consideration the lack of local records for water voles, absence of suitable habitat within the Site itself, and low suitability of the boundary ditches, this species is considered unlikely to be present on Site.

### ***Amphibians & Reptiles***

- 3.3.16 The desktop study found records of great crested newt *Triturus cristatus* presence within 2km of the Site, within Lupset Golf Course LWS from 2016. There are no records of European Protected Species (EPS) licences granted for great crested newt within 2km of the Site.
- 3.3.17 WYES returned 149 records of great crested newts, the closest of which is approximately 920m from the Site. Additional records of common amphibian species include common frog *Rana temporaria*, common toad *Bufo bufo* and smooth newt *Triturus vulgaris*. A single record of a reptile species: adder *Vipera berus* was returned from 2019 within 2km.
- 3.3.18 A total of 11 ponds or wetland features were identified within 500m of the Site including a pond located approximately 10m east of the Site boundary. Within the Site itself, there is very limited terrestrial habitat present which great crested newts could utilise. Bare ground is considered to offer negligible terrestrial habitat suitability for amphibians.
- 3.3.19 The Site is relatively isolated with industrial developments and infrastructure to the east, south and west, with kerbed roads, walls and buildings all acting as barriers for amphibian and reptile species. The Site is however connected to the Lupset Pond network to the north.
- 3.3.20 No evidence of amphibians or reptile species were found during the survey and it is considered that amphibians and reptiles are likely to be absent from within the Site given the general absence of suitable refuge and forage habitat. There is no available information on whether or not the adjacent pond supports great crested newt, however an observation of signal crayfish *Pacifastacus leniusculus* within this pond is indicative of unfavourable conditions for great crested newt.

### ***Other Notable Species***

- 3.3.21 The potential for presence of some notable species (as defined under Section 41 of the NERC Act 2006) is acknowledged. These include Western hedgehog *Erinaceus europaeus*, although habitat suitability is to some extent limited by the surrounding roads and built development. The dominant bare ground within the Site also provides negligible foraging habitat for Western hedgehog or other species such as brown hare. This and other species potentially present locally are more likely to utilise and remain within more favourable habitat beyond the Site boundaries.

### ***Invasive Non-native Species***

- 3.3.22 Two species of invasive non-native species were noted during the extended Phase 1 survey. A single signal crayfish was noted on the western bank of the pond immediately adjacent to the eastern boundary of the Site.

- 3.3.23 Additionally, the southern boundary ditch of the Site had Himalayan balsam *Impatiens glandulifera* along its banks.
- 3.3.24 The data search from WYES returned 65 records of invasive non-native species including American mink *Neovision vision* and Japanese knotweed *Fallopia japonica*.

## 4 DISCUSSION

- 4.1.1 This section seeks to identify the potential for effects to occur on habitats and protected and notable species. The Site's proximity to statutory and non-statutory designated sites and potential effects on their qualifying interests is discussed. Measures are proposed for the protection of sensitive habitats and species throughout the construction phase of development and recommendations are made for further pre-construction surveys and mitigation.
- 4.1.2 Consideration of ecological impacts and subsequent effects arising from the development has been prepared with reference to the Chartered Institute of Ecology and Environmental Management (CIEEM) '*Guidelines for Ecological Impact Assessment in the UK and Ireland*' (CIEEM, 2019)<sup>11</sup>.

### 4.2 Designated Sites for Nature Conservation

- 4.2.1 The Site does not form part of any statutory or non-statutory designated site for nature conservation.
- 4.2.2 Pugney's LNR is located approximately 700m from the Site, designated for the important number of wintering wetland bird species using the pools. The habitats on the Site are not suitable (due to the lack of wetland habitats onsite and continued disturbance of the wider area) for species associated with the protected site.
- 4.2.3 Seckar Wood SSSI is situated approximately 3.3km from the Site, which is designated for an area of heathland and woodland developed on the east facing dip-slope of the Woolley Edge escarpment. The Site does fall within the Impact Risk Zone for the SSSI for Seckar Wood, but as the nature of the development proposes to build industrial units, the Local Planning Authority is not required to consult with Natural England on the proposed development in relation to the SSSI. The Site does not support any habitats (such as woodland or heathland) that could be considered to be functionally linked to the interests of the SSSI. Given this and the separation distance, no effects on the SSSI are considered likely.
- 4.2.4 Another nine LNRs were identified as part of the desk study located over 1km of the Site as well as one SAC within 10km of the Site. In addition, five non-statutory designated sites were found between 200 and 700m from the Site. These sites were all notified primarily for their specific habitat interests and as a result of the lack of identified pathways and functionally linked habitat, no direct or indirect impacts are anticipated on any of these sites.
- 4.2.5 Standard good practice pollution prevention and runoff control measures will be set in place as part of the construction phase, protecting designated sites from the risk of any indirect effects.

### 4.3 Habitats and Flora

- 4.3.1 The proposed development footprint comprises mainly bare ground of negligible value to wildlife, along with smaller areas of ephemeral/short perennial and amenity grassland, which are commonly occurring and generally of low value to wildlife, supporting little structural or species diversity. The loss of these areas is not considered to affect local populations of protected or notable species in any way given the low suitability of the habitats and availability of higher value habitat in the wider landscape.

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<sup>11</sup>CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*. Chartered Institute of Ecology and Environmental Management, Winchester

4.3.2 Habitat enhancement measures are proposed as part of the design as shown in the *Soft Landscaping Proposal Plan* which consist of:

- Mixed neutral grassland seeding of areas outside of the development footprint comprising meadow grasses (e.g. Emorsgate EM1 or similar), and an amenity grassland (e.g. Emorsgate EG22 or similar);
- Approximately 1.1ha of new native species scrub and tree planting along Site boundaries, in particular to the north and east of the Site; and,
- Approximately 569m of new native species-rich hedgerows along the Site's southern, northern and eastern boundaries.

## 4.4 Protected and Notable Species

### ***Birds***

- 4.4.1 All wild birds, their nests and eggs are, with few exceptions, protected under the Wildlife and Countryside Act 1981 (as amended). Schedule 1 of the Act, confers special protection with increased penalties for certain species. Additional protection is provided to species listed under Directive 2009/147/EC on the conservation of wild bird (the 'Birds Directive') codified version.
- 4.4.2 The Site is likely to be of limited value to ground-nesting common and widespread breeding bird species only. The Site lacks trees, hedgerows or other structures suitable for other nesting birds. Habitats such as ephemeral/ short perennials provide some (albeit limited) nesting potential for common species typical of semi-urban areas including skylark *Alauda arvensis* and grey partridge *Perdix perdix*. Depending on the timing of construction, there is potential, albeit limited for breeding birds present within or immediately adjacent to the Site to be affected by the construction phase of the development if construction takes place in the breeding season. Pugney's LNR is located approximately 700m from the Site, designated for the important number of wintering wetland bird species using the pools. The habitats on the Site are not suitable (due to its lack of wetland habitats onsite and continued disturbance of the wider area) for qualifying species associated with the protected sites. If left undisturbed, the Site provides potential for breeding little ringed plover, listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), however the Site is currently regularly disturbed and suitability for this breeding species is highly limited.
- 4.4.3 In order to avoid impacts on nesting birds and to ensure compliance with the provisions of the Wildlife and Countryside Act 1981 (as amended), it is recommended that any vegetation removal and initial ground preparation earthworks takes place outside of the bird breeding season (March-August inclusive). If such works are necessary during the breeding season, suitable nesting habitat should be hand-searched by a suitably experienced ecologist prior to works commencing. Only when the ecologist is satisfied that no offence will occur under the legislation will works be permitted to proceed.
- 4.4.4 Once established, the proposed planting of new hedgerow and shrubs around the proposed development is likely to provide increased potential breeding and foraging opportunities.
- 4.4.5 With suitable precautions in place during the breeding season, the proposed development is not considered likely to have any discernible adverse effects on local bird populations.

### ***Bats***

- 4.4.6 All species of British bat are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The Act and Regulations make it an offence to kill, injure or take a bat; damage, destroy or obstruct access to any



place that a bat uses for shelter or protection; and intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection.

- 4.4.7 The peripheries of the Site could potentially be used by foraging bats (if present), however this provides sub-optimal habitat in the form of tall ruderals and ephemeral / short perennial with some (albeit fragmented) links to the wider area. While this may be used by bats, it is not likely to be an important foraging resource in the context of the more extensive and valuable habitats available locally in the form of woodland and hedgerows which have direct linkages, less disturbance and provide commuting corridors in the wider landscape.
- 4.4.8 No potential roost sites are present within the Site. Potential impacts on bats are therefore restricted to the loss of a small area of bankside vegetation along adjacent ditches, with the ditches themselves largely retained (with the exception of a short section at the southern boundary where the new access route will be constructed).
- 4.4.9 Any lighting required during construction and/or operational periods has been designed to be directed away from habitats surrounding the Site and to avoid excessive light spill, thereby maintain dark corridors for bats on neighbouring undeveloped land, for example to the north. Bat foraging opportunities are already constrained by existing development and road lighting in the local area, including along Peel Avenue at the southern boundary. As a result, there are no discernible effects anticipated on individual foraging bats or local bat populations.
- 4.4.10 Once established, the proposed landscape planting, in particular new linear features including hedgerows, are likely to improve the foraging and commuting opportunities around the Site and to strengthen habitat links including between higher value habitats in the wider area.

### ***Badger***

- 4.4.11 Badgers are protected under the Protection of Badgers Act 1992; this makes it an offence to kill, injure or take a badger, intentionally or recklessly damage or destroy a badger sett, or obstruct access to it or disturb a badger when occupying a sett.
- 4.4.12 No signs of badger were found during the surveys and no badger records were returned within 2km of the Site. While badgers are highly mobile species and may be present in the surrounding landscape they are not currently present on Site. Although the Site is relatively well connected to the wider landscape to the north, to the east, south and west there is a significant presence of industrial infrastructure with a tarmac road running along the southern boundary of the Site. Given that on Site habitats are limited in value, lack of records within 2km of the Site and reduced connectivity to the wider landscape, it is considered unlikely that badgers are present or likely to be using the Site.
- 4.4.13 A precautionary approach will be adopted to safeguard all wildlife potentially present within the Site during construction. For example, such measures would include ensuring all open trenches are covered overnight or include a ramp as means of escape. If badgers are found or suspected of using the Site an ecologist would be contacted for advice.

### ***Otter***

- 4.4.14 Otters are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); they receive further protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The Act and Regulations make it an offence to:
- Deliberately capture, injure or kill an otter
  - Damage or destroy a breeding site or resting place
  - Deliberately disturb an otter, particularly in a way which is likely to:

- a) to impair their ability to survive, breed or reproduce, rear or nurture young, and;
- b) to affect significantly the local distribution or abundance of the species.

- 4.4.15 Otter is also listed under Section 41 of the NERC Act 2006 and listed as a priority species within the Wakefield Biodiversity Action Plan and is therefore, a material consideration within the planning process.
- 4.4.16 No otter holts were recorded on or immediately surrounding the Site and the ditches at the Site boundaries are considered suitable only as movement routes within a wider territory. The Site is not suitable for holt construction or resting up areas, particularly due to the presence of peel Avenue and ongoing human disturbance nearby. More suitable habitat for otters is present in the wider area, and this species is not considered to be present on Site. The boundary ditches, and downstream habitats and the species they may support will be protected from indirect effects through the implementation of standard good practice pollution prevention and runoff control measures during construction and operation of the proposed development.
- 4.4.17 The proposed new access from Peel Avenue will cause temporary disturbance of a short section of ditch at the southern Site boundary. This ditch is interrupted by built development to the west and east and does not directly connect to more favourable habitats to the north and provides very low suitability for otter. Here also the adoption of pollution prevention measures will minimise the risk of indirect downstream effects from pollution and site runoff during construction. The ditch will be maintained under the new access with the design likely to involve a reinforced concrete bridge spanning the ditch and thereby maintaining connectivity.

### ***Water Vole***

- 4.4.18 The water vole and its habitats receive full legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Water vole is also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and within the Wakefield Biodiversity Action Plan and is therefore, a material consideration within the planning process.
- 4.4.19 While there is potentially suitable habitat for this species in the wider area, there are no records of water vole within 2km of the Site. The boundary ditches are considered to provide low habitat suitability for water voles, and no signs of water vole were observed during the survey, with the shallow and sparsely vegetated banks unlikely to be favourable for burrow creation.
- 4.4.20 All ditches will be retained and protected during the proposed development, with the exception being a new access spanning a short section of the ditch along the southern boundary of the Site adjacent to the busy Peel Avenue. This section of ditch was, when surveyed, assessed to provide very low suitability for water vole. In addition, the access construction works involve only a short section of the ditch, which is likely to be crossed by a reinforced concrete, thereby maintaining connectivity along the ditch for the future.
- 4.4.21 Standard pollution prevention measures will be employed to ensure runoff control and pollution prevention in order to protect aquatic/marginal habitats downstream. Water voles are not currently considered to be present or likely to be affected by the proposed development as a result.

### ***Amphibians***

- 4.4.22 Great crested newts and their habitats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). The Act and Regulations make it an offence to kill, injure or take a great crested newt; damage, destroy or obstruct access to any place that a great crested newt uses for shelter or protection; and

intentionally or recklessly disturb a great crested newt while it is occupying a structure or place that it uses for shelter or protection.

- 4.4.23 The great crested newt and common toad *Bufo bufo* are listed as species of principal importance within Section 41 of the NERC Act and great crested newts are also listed as a priority species within the Wakefield Biodiversity Action Plan and therefore, are also of material consideration within the planning process.

The Site is dominated by bare ground which offers negligible opportunities for amphibians (foraging/hibernation), and there are no ponds suitable for foraging or breeding on Site. At the Site boundaries and in the wider area there are more favourable habitats present including adjacent ponds, wet/dry ditches and their banksides which could potentially provide suitable foraging habitat and cover for amphibians if present. A total of 9 ponds are located within 500m of the Site, with the nearest pond within 50m. The nearby pond was found to support signal crayfish, likely to reduce the suitability of the pond for great crested newts. This pond will not be affected by the proposed development, and standard pollution prevention measures will be employed to ensure runoff control and pollution prevention to protect aquatic/marginal habitats potentially used by amphibians. Terrestrial habitat adjacent to the pond lying within the Site comprises bare ground or ephemeral/short perennial vegetation with negligible or very low suitability for amphibians. If present, amphibian species would be expected to remain outside the Site and within or near the hedgerow lying to the east of the pond which provides connectivity to higher value habitat to the north.

- 4.4.24 As a precautionary measure Reasonable Avoidance Measures (RAMs) for amphibians will be followed during the construction phase. Outline RAMs are provided in **Appendix 2**.

### **Reptiles**

- 4.4.25 Widespread reptile species namely the common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake and adder *Vipera berus* are protected against killing, injuring and sale under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). These species are also listed as priority species under Section 41 of the NERC Act 2006 and are also listed as a priority species within the Wakefield Biodiversity Action Plan and therefore, are also of material consideration within the planning process.
- 4.4.26 The Site is dominated by bare ground which offers negligible opportunities for reptiles (foraging/hibernation), however, nearby habitat, such as adjacent ponds, wet/dry ditches and their banksides potentially provide suitable foraging habitat and cover for common and widespread reptile species.
- 4.4.27 To avoid any direct impact on reptile (and amphibian) populations and wildlife more generally, the implementation of Reasonable Avoidance Measures (RAMs) as adopted for amphibians (**Appendix 2**) will also serve to safeguard any individual reptiles potentially present during construction.

### **Other species**

- 4.4.28 The Site has limited potential to support other notable species, with more suitable and connected habitat present in the wider area. Boundary habitats including ditches are largely retained and will be safeguarded during construction with standard good practice pollution prevention and runoff control measures. It is therefore considered that the proposed development is unlikely to have any discernible effect on local populations of any other species.
- 4.4.29 No other species are considered pertinent in relation to the proposed development.

### ***Invasive Non-native Species***

- 4.4.30 Himalayan balsam was noted within the Site during the Extended Phase 1 habitat survey. Himalayan balsam is listed under Schedule 9 to the Wildlife and Countryside Act 1981, as amended. As such, it is an offence to plant or otherwise allow this species to grow in the wild.
- 4.4.31 In addition, it was noted that signal crayfish is present within the adjacent pond to the east of the Site. This species is also listed under schedule 9 of the Wildlife and Countryside Act, as amended. As the pond lies outside the Site and no in-pond works will occur, the risk in relation to this invasive species is considered to be negligible.
- 4.4.32 It is recommended that suitable bio-security measures are implemented during construction to prevent the inadvertent spread of Himalayan balsam within the Site or off-Site, and ensuring no works affecting the nearby pond. This should include control and (if necessary) eradication measures as appropriate. In particular this will be relevant when constructing the new access across the ditch at the southern Site boundary.

## 5 SUMMARY - ECOLOGY PRIORITY MATRIX

5.1.1 **Table 5.1** summarises the ecological constraints and opportunities associated with the development, and makes recommendations for pre-construction survey work and/or mitigation measures as required.

**Table 5.1: Ecological Constraints and Opportunities**

Feature		Details
Statutory and Non-statutory designated sites for Nature Conservation	Constraints & Opportunities	<ul style="list-style-type: none"> <li>a. The Site does not form part of any statutory or non-statutory designed site but lies within 2km of the Seckar Wood SSSI.</li> <li>b. The Site is located within a SSSI IRZ; at this location, the development type does not meet the criterion which requires LPA consultation with Natural England.</li> <li>c. Habitats within the Site and surrounding area are not suitable to support wetland bird species associated with nearby designated sites e.g. Pugney's LNR. Nine additional designated sites are located within 2km but by virtue of separation distance, the restricted scale and nature of the proposed development, these will be unaffected by the proposed development.</li> </ul>
	Protection Measures	<ul style="list-style-type: none"> <li>d. None likely to be required due to lack of functionally linked habitat and separation distance. The implementation of standard good practice pollution prevention and runoff control measures will protect receiving watercourses and associated downstream habitats and species.</li> </ul>
Habitats & Flora	Constraints & Opportunities	<ul style="list-style-type: none"> <li>e. Bare ground, ephemeral / short perennial and poor semi-improved grassland of limited botanical or habitat value will be affected by the proposed development.</li> <li>f. Opportunities for habitat mitigation will be through new native species hedgerow and shrub planting around the Site boundaries, providing wildlife corridors once established.</li> <li>g. Landscape planting will use native species of UK provenance selected to be appropriate to the locality and to complement adjacent habitats</li> </ul>
	Protection Measures	<ul style="list-style-type: none"> <li>h. The implementation of standard good practice pollution prevention and runoff control measures will protect receiving watercourses and associated downstream habitats and species.</li> </ul>
Birds	Constraints & Opportunities	<ul style="list-style-type: none"> <li>i. The habitats on Site provide some suitable nesting habitat and may support common and widely occurring ground nesting species typical of suburban areas.</li> </ul>
	Legislative Compliance – WCA**	<ul style="list-style-type: none"> <li>j. Any vegetation removal works should be undertaken outside of the bird breeding season (01 March to 31 August inclusive) if possible. If vegetation works are necessary during the breeding season, suitable nesting habitat should be searched by a suitably experienced ecologist prior to works commencing. Only when the ecologist is satisfied that no offence will occur under the legislation will works be permitted to proceed.</li> </ul>
Bats	Constraints & Opportunities	<ul style="list-style-type: none"> <li>k. The Site does not provide roosting opportunities and has very low foraging suitability due to the absence of established vegetation.</li> <li>l. Positive mitigation measures for bats will include new shrub and hedgerow planting, maintaining and enhancing opportunities for foraging and commuting.</li> <li>m. Any lighting required during construction and/or operational periods designed to minimise light spill as far as practicable.</li> </ul>
	Legislative Compliance – WCA**, HR***	<ul style="list-style-type: none"> <li>n. Any lighting required during construction and/or operation will reflect guidance provided in Lighting in the UK, Bats and the Built Environment Series, Bat Conservation Trust and Institute for Lighting Engineers, avoiding light spill into adjacent habitats.</li> </ul>
Badger	Constraints & Opportunities	<ul style="list-style-type: none"> <li>o. No evidence of badgers was found on Site.</li> </ul>

	Legislative Compliance – PBA****	<p>p. General precautionary measures adopted for all wildlife during construction.</p> <p>q. If an active badger sett is identified within the Site works in the vicinity of the sett will not commence until a mitigation strategy has been produced under the advice of an ecologist and if necessary, a licence from Natural England obtained.</p>
Otter & Water vole	Constraints & Opportunities	r. No evidence of otter or water vole on Site and it is considered these species are likely absent due to a lack of suitable habitat. A single ditch crossing is required for access from Peel Avenue. This ditch is not considered to suitable to support otter or water vole
	Legislative Compliance – WCA**, HR***	s. N/A
Amphibians & Reptiles	Constraints & Opportunities	t. No evidence of amphibians or reptiles on Site and the Site provides negligible value habitat for these species, with more favourable habitat in wider area. It is considered these species are likely absent from Site.
	Legislative Compliance - WCA*, HR**	u. Precautionary Reasonable Avoidance Measures (RAMS) during construction. See <b>Appendix 2</b> .
Other Species & Invasive Species	Constraints & Opportunities	v. No other notable species are considered pertinent in relation to the proposed development.
		w. Invasive Himalayan balsam recorded on Site – suitable biosecurity measures to be implemented to prevent the accidental spread of this species.

#### **Legislative Compliance Key**

\* The Hedgerows Regulations 1997

\*\*Wildlife & Countryside Act 1981 (as amended)

\*\*\*The Conservation of Habitats and Species Regulations 2017 (as amended)

\*\*\*\*Protection of Badgers Act 1992



FIGURE 1: SITE PLAN





FIGURE 2: STATUTORY DESIGNATED SITES

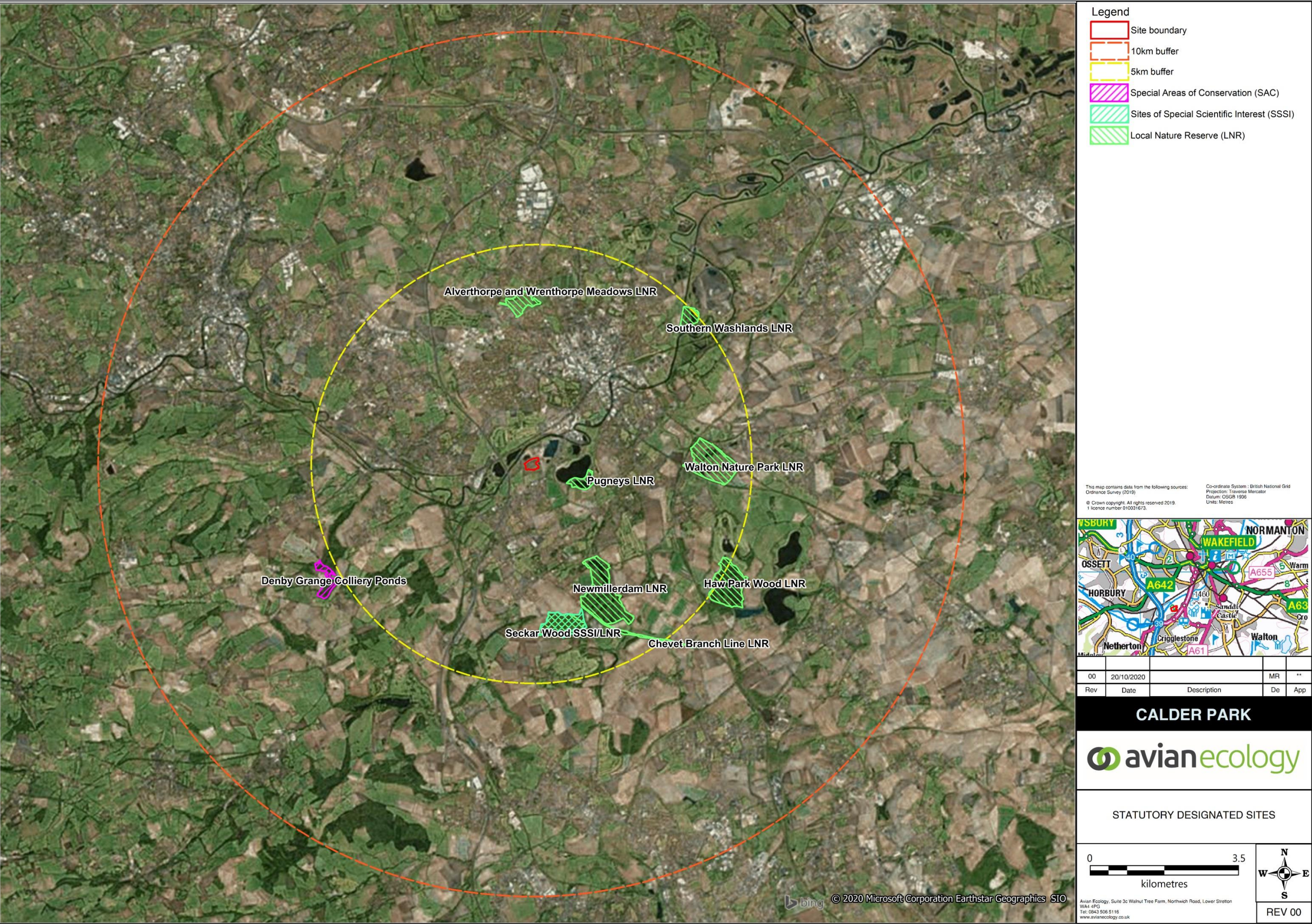




FIGURE 3: NON-STATUTORY DESIGNATED SITES

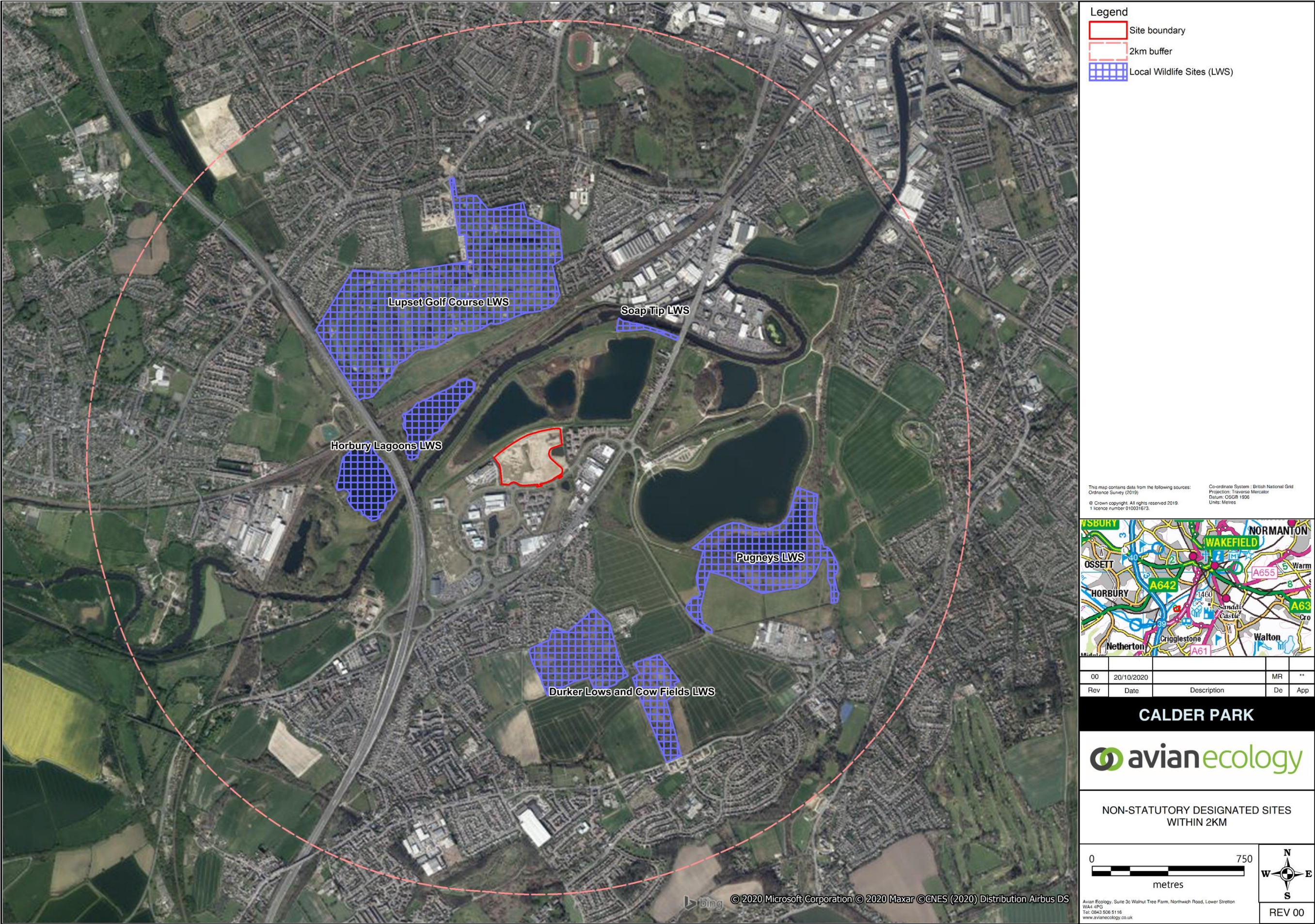
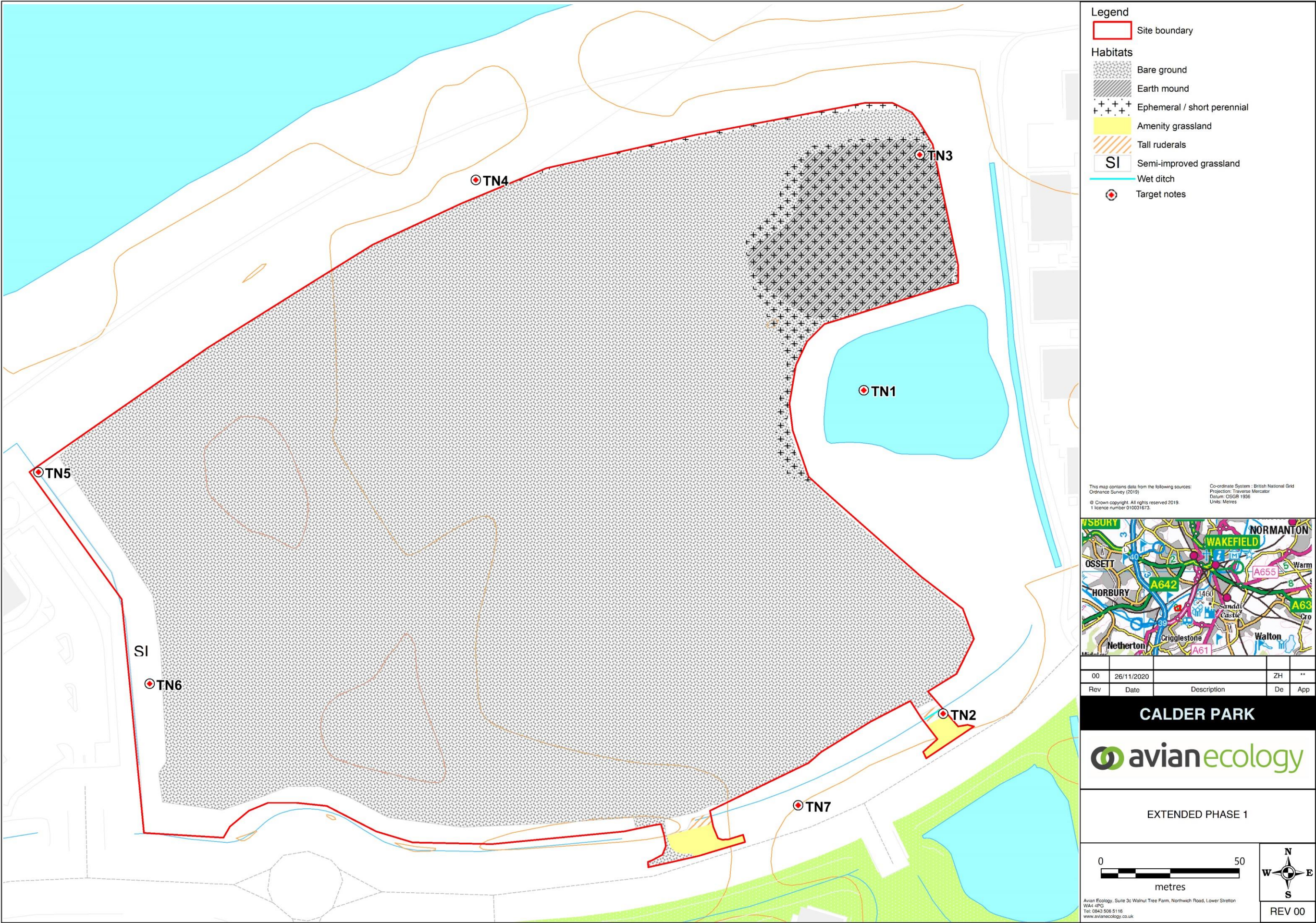




FIGURE 4: EXTENDED PHASE 1 HABITAT SURVEY





## **Appendix 1**

### **Photographs**

## APPENDIX 1: Photographs



**Photograph 1**

The Site: dominated by bare ground.



**Photograph 2**

TN2: section of shallow wet ditch and amenity grassland where a watercourse crossing is proposed.





**Photograph 3**

TN3: Ephemeral / short perennials growing over bare ground



**Photograph 4**

TN4: Vegetated ditch along northern boundary of the Site





**Photograph 5**

TN5: Vegetated ditch with patch of common reed *Phragmites australis*.



**Photograph 6**

Pond located immediately to the east of the Site.





**Photograph 7**

Pond located to the south of the Site separated from it by Peel Avenue.



**Photograph 8**

Wetland pools associated with the River Calder to the north of the Site.

## **Appendix 2**

### **Outline Reptile and Amphibian Reasonable Avoidance Measures (RAMS)**



# Reptile and Amphibian Reasonable Avoidance Measures (RAMs)

## *Method Statement Objectives*

1. Any development related activities on the Site, such as vegetation clearance or excavations in areas of suitable reptile and amphibian habitat (field margins and watercourses) may potentially affect these species. As a result, safeguards must be implemented to protect these species and the Method Statement below details measures to be implemented to ensure these objectives are achieved. If these measures are followed then no impacts are likely to occur.

## *Method Statement*

2. This Method Statement should be followed for the construction of the proposed development and associated works within the Site, which may affect the surrounding terrestrial habitat to ensure legal compliance and to ensure the objectives are achieved.
3. The following measures will be adopted throughout the construction period of the proposed development:
  - Site operatives will be informed by 'tool box' talk of the potential for reptile and amphibian species to occur on-site, what to look out for and what to do in the event that animal is found.
  - Works to be carried out within field margin habitats on site should only commence after a careful visual inspection has determined that no animals are present. Vegetation should be reduced (by hand strimmer or similar hand tools) to a height of c.150mm prior to ground works commencing to aid visual searches and encourage individuals to temporarily move away from the working areas.
  - Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than 45 degrees in angle. Ideally, any holes should be covered.
  - All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling.
  - Any excavated material stored overnight should be searched prior to being used as infill.

**If a reptile or amphibian is found, work must stop immediately and until the animal has moved away from the works area, if this is not possible contact should be made with a suitably experienced ecologist.**

P20-1610

5 January 2021

John Holmes  
Wakefield City Council  
Town Hall  
Wood Street  
Wakefield  
WF1 2HQ

Dear John

20/02695/FUL - Erection of a single employment building for B8 use with ancillary Class E offices, access and landscaping - Peel Avenue, Calder Park - Ecology Response

I write with reference to the consultation response received from the Council's Ecologist on 21st December.

It is noted that a Biodiversity Net Gain calculation using the Defra metric which demonstrates a net gain with a minimum of 10% improvement over the existing baseline conditions has been requested.

You will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise.

The up-to-date development plans consists of The Wakefield Core Strategy (2009), the Development Policies Document (2009) and the Site Specific Policies Local Plan (2012).

No component document/part of the development plan contain a policy requiring a DEFRA Biodiversity Net Gain Assessment.

Policy D 6 of the Development Policies Document states that development that would adversely affect the integrity and value of the Wildlife Habitat Network across the district or the movement of flora and/or fauna species will only be permitted in if it can be demonstrated that reasons of public interest for the development clearly outweigh any significant harm. Proposals for development shall make provision for the retention of the network and protection of its wildlife links and ecological conservation value. Where development is permitted the council will require developers to:

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T: 01509 670806 | [www.pegasusgroup.co.uk](http://www.pegasusgroup.co.uk)

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

 DESIGN  ENVIRONMENT  PLANNING  ECONOMICS  HERITAGE

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- Minimise disturbance,
- Protect and enhance the sites ecological conservation value;
- Contribute towards the objectives of the Wakefield District Biodiversity Action Plan;
- Ensure appropriate management; and
- Create new or replacement habitats equal to or above the current ecological value of the site if damage or loss is unavoidable.

Whilst the above policy does reference the creation of new or replacement habitats equal to or above the current ecological value of the site it makes no reference to the requirement for a DEFRA calculated Biodiversity Net Gain, or a requirement for a 10% gain.

The National Planning Policy Framework states in paragraph 170 that decisions should contribute to and enhance the natural and local environment by: d) Minimising impacts on and providing net gains for biodiversity.

It also states in paragraph 174 that to protect and enhance biodiversity plans should promote the conservation, restoration and enhancement of priority habitats, ecological habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Again, the policies of the National Planning Policy Framework does not require a DEFRA calculated Biodiversity Net Gain, or require a 10% gain.

**The request is therefore considered unreasonable as it doesn't have a policy basis within the development plan, or national planning policy.**

Planning permission was very recently granted on a site to the south of the application site on Thomas Maddison Lane for B1(c), B2 and B8 uses (20/00274/FUL), and it is noted that West Yorkshire Ecology did not provide a consultation response to this application. I note with interest and relevance that the Officers report discusses Ecology in detail concluding that the submitted ecological survey details the impact of the development upon wildlife/biodiversity and will not have a material impact with a landscaping scheme and bird/bat boxes secured via condition. A Biodiversity Net Gain assessment was not requested for this site and it has been deemed acceptable that a landscape scheme will secure ecological benefits.

The planning status of the existing site forms an important material consideration in the

ecological value of the site and any assessment. An application for engineering works, comprising the excavation of drainage ditches, retention of the pond and works to the land to create a development platform was approved in 2017 (17/01650/FUL). This permission has subsequently been implemented and works are taking place on site to provide the development platforms.

In full accordance with the extant planning permission, the site has been cleared and is therefore devoid of trees, shrubs, hedgerows or other habitat features of ecological value. This is confirmed in paragraph 2.2 of the submitted ecology report which states *'The site occupies an area of approximately 6.5ha and comprises mostly bare ground, patches of vegetation, tall ruderals and amenity grassland. There are no habitats of Principal Importance'*. The site, therefore, has limited ecological value, but importantly this consented site clearance and engineered plateau forms a biodiversity baseline for which the current proposals should be considered against. A detailed landscaping scheme has been submitted which details tree planting, shrub planting, hedgerows and amenity grassland. The recommendations of the Council's Ecologist have been taken into consideration and the Landscape Plan has been updated. These changes include:

- Grasscrete areas shall be seeded with a Special General Purpose Meadow Mix to provide a more diverse sward
- All areas of amenity grassland replaced with Meadow Grassland to maximise floristic diversity
- All planted areas shall be seeded with a Hedgerow Mixture seed mix

The landscaped areas will thereafter be managed to maintain planted trees and shrubs in a healthy condition with good structure to encourage wildlife, with grassland areas managed as meadow grassland in accordance with the seed suppliers' **recommendations**, including restricting cutting frequency to allow plants to flower and set seed and encouraging a structurally and species-diverse sward. Details of a Landscape Management Plan can be secured via an appropriately worded planning condition, it is not considered that a 30 year Biodiversity Management Plan is necessary for a site of this nature, appropriate details of management can be secured via a management plan to include replacement of dead/dying hedgerow/tree species, allowing grassland to establish with minimal/single cuts a year and replacement of any broken bird/bat boxes as and when required.

Furthermore, the provision of bat and bird boxes within the proposed landscape is acceptable which can be secured via an appropriately worded planning condition and will further enhance the ecological value of the site.

Having established that the biodiversity baseline is very low value, as it comprises a consented bare ground development plateau, the proposed development provides soft landscaping enhancing and complementing the existing features located around the sites boundaries and enhances the current biodiversity status of the site in accordance with the requirements of Policy D 6 of the Development Policies Document (2009).

I trust this is acceptable but should it raise further questions, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Clark', written in a cursive style.

James Clark  
Senior Planner  
[james.clark@pegasusgroup.co.uk](mailto:james.clark@pegasusgroup.co.uk)