



Mileway Real Estate

**Land between Pennine View and Pheasant Drive, Birstall**

**ECOLOGICAL APPRAISAL**

August 2020

**FPCR Environment and Design Ltd**

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## 1.0 NON-TECHNICAL SUMMARY

- 1.1 The majority of the Site comprised developed land which included two buildings (B1 and B2) and hardstanding. Other habitats present included ephemeral/short perennial vegetation, amenity grassland and a small area of scattered scrub.
- 1.2 The proposed development includes the construction of three warehouse units, with associated infrastructure and landscaping.
- 1.3 Development of the site is not expected to negatively impact on any statutory or non-statutory designated sites located in proximity to the site.
- 1.4 Proposals will result in the loss of the majority of existing habitats within the site. However, given the low to negligible ecological value of the habitats recorded and the proposed habitat creation within the landscaping strategy, the site will deliver a measurable Net Gain for Biodiversity. This is demonstrated by the completed Biodiversity Impact Assessment (BIA), using the Defra Metric 2.0 metric. This demonstrates that a measurable net gain in biodiversity can be achieved from the proposed development.
- 1.5 Two buildings were present within the survey area. No evidence of roosting bats was recorded during an external assessment, but buildings B1 and B2 were assessed as providing low bat roosting potential due to the presence of several external features which could potentially be utilised by bats.
- 1.6 A single dusk emergence survey has confirmed the likely absence of any bat roosts within buildings B1 and B2. As such, it is considered that the buildings do not constitute a place of rest or shelter for bats and, therefore, proposals would not result in a breach of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 1.7 Great crested newts are not considered to be present within the site, as no ponds were identified within the site or within 250m of the boundary and great crested newt are not known to be recorded in the area.
- 1.8 Given the baseline conditions within the Site, other than some limited potential to support breeding birds, no additional ecological constraints were identified from other protected species.

## 2.0 INTRODUCTION

- 2.1 The following report has been prepared by FPCR Environment and Design Ltd. on behalf of the Mileway Real Estate. It provides the results of an Extended Phase 1 Habitat Survey undertaken on Land between Pennine View and Pheasant Drive, Birstall (central grid reference: SE 23316 26967, Figure 1) on the 19<sup>th</sup> March 2020.
- 2.2 The Site is 1.82ha in extent and predominantly occupied by a warehouse (B1) and associated parking facilities (Figure 1). The area indicated by the red line is referred to as 'Site' throughout the report.
- 2.3 Two buildings are present within the Site. These comprise the existing warehouse (B1) and workshop (B2) in the north west corner of the Site. Hardstanding is the dominant habitat present across the remaining Site area. Other small peripheral areas of habitat present included: ephemeral/short perennial vegetation, amenity grassland and a small area of scattered scrub. The landscape immediately beyond the Site is characterised by the commercial and industrial units associated within the Norquest Industrial Estate.
- 2.4 The objective of the assessment was to gain an understanding of the baseline ecology of the Site and immediate surrounding area and to determine the likely ecological effects; the mitigation measures required to prevent or reduce any impacts; the likely residual effects after these measures have been employed; and the compensation measures required to offset any residual effects. This involved a desk study, an Extended Phase 1 Habitat survey, nocturnal presence / likely absence bat survey and Biodiversity Net Gain calculations.
- 2.5 The proposed development is for the demolition of existing warehouse and workshop unit and the erection of employment units with reconfigured access from Pennine View and associated landscaping, parking and hardstanding for manoeuvrability.

## 3.0 METHODOLOGY

### Desktop study

- 3.1 To support the field survey and further compile existing baseline information relevant to the Site, ecological information was sought from third parties, including records of protected or notable species and sites designated for nature conservation interest. Organisations contacted included:
- West Yorkshire Ecology Service; and
  - West Yorkshire Bat Group.
- 3.2 Online sources of ecological data were also sought including:
- Multi Agency Geographic Information for the Countryside (MAGIC) website ([www.magic.gov.uk](http://www.magic.gov.uk)).
- 3.3 The search area of interest varied depending upon the likely significance and zone of influence of the data requested, as follows:
- A minimum of a 10km radius around the Site was searched for sites with an international statutory designation; Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites;

- A minimum of a 2km radius around the Site for sites of national/regional importance with a statutory designation of Site of Special Scientific Importance (SSSI) or National Nature Reserve (NNR);
- Up to a 1km radius around the Site for sites of local importance with statutory designation of Local Nature Reserve (LNR), or non-statutory designation of Site of Importance for Nature Conservation (SINC) or the equivalent Local Wildlife Site (LWS); and
- 1km search area for records of notable / protected species (i.e. including Species of Principal Importance under S41 of the Natural Environment and Rural Communities Act (NERC) 2006 and local biodiversity action plan species).

## Field Survey - Habitats/Flora

### Extended Phase 1 Habitat / UKHab Survey

- 3.4 Baseline habitats were identified and mapped by utilising the Phase 1 Habitat Survey methodology<sup>1</sup>, and subsequently translated into the UKHab Classification system<sup>2</sup> which are both used to determine broad habitat types in the wider countryside. The survey comprised a walkover of the site, mapping the principal habitat types present and identifying a representative species list for each habitat. The abundance of species was quantified using the DAFOR scale, ranging from Dominant to Abundant, through Frequent and Occasional to Rare. This was undertaken on the 19<sup>th</sup> March 2020 by I Hunter (Principal Ecologist - BSBI Field Identification Skills Certificate Level 5).
- 3.5 Habitat Condition Assessments were based on the beta edition of the technical supplement provided for the Natural England Biodiversity Metric 2.0 which provides guidance on data collection and condition assessment to support the use of the metric.
- 3.6 Any habitats suitable for, or features with the potential to support, protected or notable species were also assessed and recorded with the extended Phase 1 habitat survey.

### Biodiversity Net Gain Calculation

- 3.7 A Biodiversity Net Gain assessment was completed for the site, using the Biodiversity Metric 2.0. Post-development habitats were determined from the landscape plan provided.

## Bats

### Buildings – External assessment

- 3.8 The exterior of the buildings was visually assessed for potential access points and evidence of bat activity. Features such as small gaps under barge/soffit/fascia boards, raised or missing ridge tiles and gaps at gable ends, which have potential as access points/roost sites, were sought and the abundance of these access points was recorded. Evidence that bats actively used potential access points / roost sites includes staining within gaps and bat droppings or urine staining under gaps, a note being made wherever these were present. Indicators that potential access points / roost sites

<sup>1</sup> JNCC, (2010), Handbook for Phase 1 habitat survey - a technique for environmental audit, ISBN 0 86139 636 7

<sup>2</sup> UK Habitat Classification Working Group (2018). *UK Habitats Classification User Manual* at <http://ecountability.co.uk/ukhabworkinggroup-ukhab>

had not recently been used included the presence of cobwebs and general detritus within potential access points. The visual assessment was carried out following periods of dry weather to maximise recording of visible evidence.

- 3.9 This methodology takes into account the statutory guidance (Natural England, 2001)<sup>3</sup> and updated guidelines introduced by the Bat Conservation Trust<sup>4</sup> and the 2004 Bat Workers Manual<sup>5</sup>.

#### Nocturnal Presence / Likely Absence Surveys

- 3.10 A Dusk emergence survey was undertaken to identify any roosting bats emerging from or entering into the buildings on site on 13<sup>th</sup> August 2020. The survey was led by licenced bat workers along with assistants (Natural England Class Licence Registration Numbers: CL18 (Level 2) 2020-46132-CLS-CLS). Surveyors were positioned at viewpoints where all aspects of the buildings could be observed. Wildlife Acoustics Inc. Echo Meter Touch<sup>®</sup> bat detectors in conjunction with Echo Meter Touch<sup>®</sup> app and Apple Inc. iPad<sup>®</sup> were used during these surveys. The survey was undertaken between: approximately 15 minutes prior to sunset and between 90-120 minutes following sunset.
- 3.11 The survey was undertaken during suitable weather conditions i.e. when the ambient air temperature exceeded 10°C and when there was little / no wind or rain. This methodology takes into account the statutory guidance from English Nature (now Natural England) and further guidelines introduced by the Bat Conservation Trust and JNCC. Table 1 below provides the dusk emergence survey date and weather conditions.
- 3.12 If required post-survey, bat calls were analysed using Wildlife Acoustics, Inc. Kaleidoscope<sup>®</sup> software package.

**Table 1: Dusk Emergence / Dawn Re-entry Survey Conditions**

| Survey Date | Sunset | Start temp (°C) | Wind (BF) | Rain | Cloud cover (%) |
|-------------|--------|-----------------|-----------|------|-----------------|
| 13/08/20    | 21:19  | 17              | 1-2       | 0    | 100             |

## 4.0 RESULTS

### Desktop Study

- 4.1 A summary of the relevant information is provided below; original data provided by the consultees has not been included in this report but can be provided upon request. Locations of statutory and non-statutory designated sites referred to in the following section are illustrated on Figure 1.

### Statutory Designated Sites

- 4.2 No internationally or nationally important designated sites for nature conservation were recorded within their respective zones of influence.

<sup>3</sup> English Nature (2001) Bat Mitigation Guidelines

<sup>4</sup> Collins J, (2016), Bat Surveys for Professional Ecologists: Good Practice Guidelines. Bat Conservation Trust

<sup>5</sup> Mitchell-Jones, A.J. & McLeish, A.P. Ed., (2004), 3rd Edition Bat Workers' Manual



- 4.3 A single statutory designated site of local importance was recorded within 1km of the Site, Oakwell Park LNR, (also part of a LWS), the details of this site are provided within Table 2, below.

#### Non-Statutory Designated Sites

- 4.4 In addition to Oakwell Park (LNR, LWS), Birkby Brow Wood (LWS) was were identified within the 1km zone of influence.

**Table 2: Non-Statutory sites of interest (in distance/significance order)**

| Site/designation        | Citation                                                                                                                                                                                                                                                                                            | Distance and aspect |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Birkby Brow Wood (LWS)  | An area of 1.5ha woodland located between Morley and Batley, much of the site is replanted ancient woodland with a smaller area of ancient semi-natural woodland. Small springs run through the site with marginal vegetation. Multi-stemmed hazels indicate coppicing has taken place in the past. | c.710m E            |
| Oakwell Park (LNR, LWS) | Formed from a mix of old woodland, farmland and a reclaimed colliery, over 41.46ha of country park.                                                                                                                                                                                                 | c.965 W             |

#### Species records

- 4.5 A summary of the records of protected and priority species derived from the desk study consultees are provided in Table 3 below and mapped on Figure 1.
- 4.6 The nearest badger sett was recorded around 950m from the centre of the Site (the exact location remains confidential).

**Table 3: Notable species records**

| Species                                                | Conservation Status            | Total number of records (within 1km) | Location / Minimum distance of records from the Site boundary |
|--------------------------------------------------------|--------------------------------|--------------------------------------|---------------------------------------------------------------|
| <b>Bats</b>                                            |                                |                                      |                                                               |
| Common Pipistrelle<br><i>Pipistrellus pipistrellus</i> | Sch5; WYBAP; Kirklees BAP      | 4                                    | From 2009 – 2010, c.680m SE                                   |
| Noctule<br><i>Nyctalus noctula</i>                     | Sch5; SPI; WYBAP; Kirklees BAP | 3                                    | From 2010, c.680m NW                                          |
| Soprano pipistrelle<br><i>Pipistrellus pygmaeus</i>    | Sch5; SPI; WYBAP; Kirklees BAP | 1                                    | From 2014, c.730m SW                                          |
| Unknown bat species<br><i>Vespertilionidae</i>         | Sch5                           | 1                                    | From 2010, a roost c.850m NW                                  |
| <b>Other mammals</b>                                   |                                |                                      |                                                               |
| Water Vole<br><i>Arvicola amphibius</i>                | Sch5; SPI; WYBAP               | 1                                    | From 2006, c.860m NE                                          |
| <b>Birds</b>                                           |                                |                                      |                                                               |

| Species                                           | Conservation Status                | Total number of records (within 1km) | Location / Minimum distance of records from the Site boundary |
|---------------------------------------------------|------------------------------------|--------------------------------------|---------------------------------------------------------------|
| House Sparrow<br><i>Passer domesticus</i>         | BoCC Red; SPI; WYBAP; Kirklees BAP | 1                                    | From 2009, c.710m W                                           |
| Starling<br><i>Sturnus vulgaris</i>               | BoCC Red; SPI; WYBAP; Kirklees BAP | 1                                    | From 2009, c.760m NW                                          |
| <b>Invertebrates</b>                              |                                    |                                      |                                                               |
| Small Heath<br><i>Coenonympha pamphilus</i>       | SPI                                | 1                                    | From 2015, c.440m SE                                          |
| <b>Plants</b>                                     |                                    |                                      |                                                               |
| Himalayan Balsam<br><i>Impatiens glandulifera</i> | Sch9                               | 3                                    | From 2013 – 2015, c.440m SE                                   |
| Japanese Knotweed<br><i>Fallopia japonica</i>     | Sch9                               | 1                                    | From 2015, c.440m SE                                          |
| Bluebell<br><i>Hyacinthoides non-scripta</i>      | Sch8                               | 1                                    | From 2013, c.990m SE                                          |

Status Key: Regs = The Conservation of Habitats and Species Regulations 2017 (As amended), WCA = Wildlife and Countryside Act 1981 (as amended), Sch5 = Schedule 5 of WCA, Sch8 = Schedule 8 of WCA, Sch9 = Schedule 9 of WCA  
 SPI = Species of Principal Importance, as listed under the Natural Environment and Rural Communities Act (2006), BoCC Red = Birds of conservation concern Red List, WYBAP = West Yorkshire Biodiversity Action Plan, Kirklees BAP = Kirklees Biodiversity Action Plan.

## Habitats/Flora

- 4.7 The habitats described below correspond to those mapped on Figure 2. Botanical species lists for the habitats are provided in Appendix A.

### Trees and Scattered scrub

- 4.8 A small number of street trees and scattered scrub were present on the southern border of the Site. The species composition comprised common whitebeam *Sorbus aria* agg., Swedish whitebeam *Sorbus intermedia* agg. and goat willow *Salix caprea* along with bramble *Rubus fruticosus* agg. and common ivy *Hedera helix* ground cover.

### Amenity grassland

- 4.9 A strip of amenity grassland bordered B1a to the north, extending along the eastern site boundary. The sward was characterised by abundant perennial rye-grass *Lolium perenne* with red fescue *Festuca rubra* and cock's-foot *Dactylis glomerata* frequently recorded. Herbaceous diversity was generally limited, with white clover *Trifolium repens* being the most frequently recorded species, together with yarrow *Achillea millefolium* and ribwort plantain *Plantago lanceolata* noted at lower frequencies.

Photograph 1: Amenity grassland bordering the eastern boundary fence.



Photograph 2: Amenity grassland strip to the north of B1.



#### Ephemeral/short perennial

- 4.10 At the periphery of the hardstanding, primarily associated with the fence lines, had been colonised by opportunistic annuals, tall ruderal herbs, scattered grasses and scrub. The vegetation was characterised by a mixture of common brownfield species and ruderal species such as common nettle *Urtica dioica*, groundsel *Senecio vulgaris*, hairy bitter-cress *Cardamine hirsuta*, common whitlow-grass *Erophila verna* and Oxford ragwort *Senecio squalidus*. In places small patches of grassland had developed where red fescue was abundant with frequent cock's-foot and Yorkshire-fog *Holcus lanatus*.

Photograph 3: Ephemeral/short perennial vegetation to the south of B2



### Hardstanding

- 4.11 The vast majority of the site was made up of hardstanding, which supported very few vascular plants.

Photograph 4: Car parking area to the south of B1.



### Buildings

- 4.12 Two buildings, with multiple units (B1a-c and B2a-c), were present on site. These buildings are discussed in more detail below.

### Fauna

#### Bats

#### Buildings – External assessment

- 4.13 The buildings and their suitability for bats are described below.



*Building B1*

- 4.14 Centrally located within the Site, B1 was made up of a warehouse (B1a) and two adjacent office buildings (B1b and B1c).
- 4.15 Building B1a was a large, metal clad warehouse, with a gable roof. Metal fascia boards were present on the northern / southern aspects and metal barge boards were present on the eastern and western gable ends. Small gaps were present where the fascia and barge boards met the corrugated metal walls, which provided some limited bat roosting potential.
- 4.16 Building B1b was a single-storey, brick-built office, with a flat roof covered in roofing felt. No soffits or fascia boards were present, and all windows and doors were well-sealed with no gaps or potential roosting features.
- 4.17 Building B1c was a single-storey conservatory with gable roof. A uPVC ridge, along with soffits, fascias and barge boards were present. There were some minor gaps associated with the ridge, however these were considered to provide very limited bat roosting potential.
- 4.18 None of these buildings had roof voids internally and therefore bat roosting potential was limited to the external features discussed above. No evidence of bat occupation was noted at the time of survey. It was considered that building B1 offered '**Low**' bat roosting potential.

**Photograph 5: Southern aspect of B1a.****Photograph 6: Eastern aspect of B1.**

Photograph 7: South eastern aspect of B1b.



Photograph 8: Southern aspect of B1.



### *Building B2*

- 4.19 Building B2a was a double-height, brick-built workshop, with pitched corrugated metal sheet roof. Fascia boards were present on the south western aspect and barge boards were present at the gable ends. Small gaps were noted where the fascia and barge boards met the corrugated metal walls, which provided some limited bat roosting potential. There were also some gaps in the brickwork on the north-eastern aspect, which could provide access into the cavity walls.
- 4.20 Building B2b was a double-height, brick-built garage, with a flat roof covered in roofing felt. Part of the walls on the north-eastern and south-western aspects were constructed from corrugated metal. Fascia boards were present on every aspect and where these abutted the corrugated metal wall sections, this again provided some limited bat roosting potential.
- 4.21 Building B2c was a single-storey, brick-built office, with a flat roof. Fascia boards were present and were generally well-sealed and offered few opportunities for roosting bats.
- 4.22 An internal assessment of these buildings was not undertaken as it was not possible to gain access, however none had roof voids and therefore bat roosting potential was limited to the external

features discussed above. No evidence of bat occupation was noted at the time of survey. It was considered that building B2 also offered '**Low**' bat roosting potential.

Photograph 9: North eastern aspect of B2.



Photograph 10: North eastern aspect of B2.



Photograph 11: South western aspect of B2.





Photograph 12: B2a roofing, on the south western aspect.



#### Dusk Emergence / Dawn Re-entry Surveys

- 4.23 The survey took place on 13<sup>th</sup> July 2020 (dusk), the surveyor positions are provided in Figure 3.
- 4.24 During the survey, no bats were observed to emerge from any building and no bat activity was noted either visually or audibly from any position across the survey period.

#### **Birds**

- 4.25 The habitats present on site offer limited suitable nesting and foraging habitat for breeding bird species and birds were observed utilising the site during the phase 1 habitat survey.

#### **Great Crested Newts**

- 4.26 No waterbodies were identified within the site boundary. Examination of the 1:25000 OS map identified one pond located less than 500m from the site, located 260m to the north-west of the site, with the industrial estate beyond the A62. The terrestrial habitat on-site was considered to offer very limited terrestrial habitat for great crested newts to reside and forage.

#### **Other species**

- 4.27 No other evidence of other protected species or habitat suitable to support other protected species was recorded during the field survey.

## **5.0 DISCUSSION AND RECOMMENDATIONS**

### **Statutory Designated Sites**

- 5.1 No internationally/nationally designated sites were recorded and the presence of such sites has not been identified as a statutory constraint to the proposals.



### Non-statutory Sites

- 5.2 Data searches indicate that two Local Wildlife Sites are present within the desktop search area, the closest of which is Birkby Brow Wood, c. 710m from the Site.
- 5.3 Given the nature of the proposals and the distance of these locally designated sites from the proposed, these sites will not be directly affected by this development. Furthermore, due to the nature of the proposals it is not thought that an increase in recreational pressures would be imposed on the designated sites.

### Habitats

- 5.4 The degree to which habitats receive consideration within the planning system relies on a number of mechanisms, including:
- Inclusion within specific policy (e.g. veteran & ancient trees and ancient woodland in NPPF, or non-statutory site designation),
  - Identification as a habitat of principal importance for biodiversity under Natural Environment and Rural Communities Act (NERC) 2006 and consequently identification as a Priority Habitat within the local Biodiversity Action Plan (LBAP) and a Priority Habitat for England under Biodiversity 2020.
- 5.5 Under NPPF, development should provide a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.
- 5.6 The ephemeral/short perennial, amenity grassland were considered to be of low nature conservation value and no rare or notable plant species were confirmed in these habitat types. the loss of these habitats is not considered significant and, as such, they are not considered further within this assessment.
- 5.7 The scattered trees and scrub located on the margins of the site provide some limited benefits to biodiversity and are to be retained and protected from damage during construction in line with BS 5837:2012, 'Trees in relation to design, demolition and construction'. This utilises the use of protective fencing of root protection areas to restrict damage features during construction.
- 5.8 The proposed green infrastructure for the site includes the creation of new areas of formal grassland utilising a flowering lawn seed mix in place of the more species poor rye-grass mix, shrub ground cover and the provision of new street trees.
- 5.9 A Biodiversity Impact Assessment has been completed for the site, using the Defra metric 2.0 in order to demonstrate that a measurable net gain in biodiversity (+0.22 biodiversity units which equates to a 41.77% gain) can be achieved from the proposed development.

### Fauna

#### Bats

- 5.10 All species of bats and their roosts are listed on the Conservation of Habitats and Species Regulations 2017 (as amended) making it illegal to deliberately disturb any such animal or damage / destroy a breeding site or roosting place of any such animal. Bats are also afforded full legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is illegal to recklessly or intentionally kill, injure or take a species of bat or recklessly

or intentionally damage or obstruct access to or destroy any place of shelter or protection or disturb any animal whilst they are occupying such a place of shelter or protection. Some bat species are SPI under the NERC Act and a number of bat species are also priority species within the Kirklees BAP.

- 5.11 Nine records of common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula* and an unknown bat species were returned from within the search area, the closest of which was c.680m from the Site.

#### Buildings

- 5.12 Two buildings were present within the survey area. No bat evidence was noted in association with these buildings during external assessments, but B1 and B2 were considered to provide low bat roosting potential due to the presence of several external features which could be utilised by bats.
- 5.13 During the subsequent dusk emergence survey no bat roosts were observed and no bat activity was recorded at all during the survey period. As such, it is considered that the buildings do not constitute a place of rest or shelter for bats and, therefore, its proposals would not result in a breach of the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, a derogation licence would not be required to facilitate works, given the current status.

#### Habitats

- 5.14 It is thought that the ephemeral/short perennial, amenity grassland and scattered scrub present on Site have very limited potential for foraging bats.
- 5.15 Where possible, it is recommended that a good practice lighting regime be used for the development to avoid light spill onto surrounding offsite habitats. Provided this good practice is followed (where possible) and lighting is minimised, effects from lighting should be negligible. The detailed design of lighting should be based upon latest guidelines<sup>6</sup> and includes the following:
- External lighting will be positioned to ensure no direct lighting of existing trees, or proposed areas of habitat creation / landscape planting.
  - Unnecessary light spill will be controlled through a combination of directional LED lighting, low lighting columns, hooded / shielded luminaires or strategic planting.

#### **Birds**

- 5.16 All wild bird species are protected while nesting by the Wildlife and Countryside Act (WCA) 1981 (as amended). This legislation protects wild birds and their eggs from intentional harm, and makes it illegal to intentionally take, damage, or destroy a wild bird nest while it is in use or being built. Species listed under Schedule 1 of the WCA 1981 (as amended) have additional protection and makes it an offence to intentionally or recklessly disturb the species, on or near an 'active' nest.
- 5.17 Where removal of woody vegetation is required, it is recommended that this is carried out outside of the nesting season (March – August inclusive) as all birds are protected whilst on the nest under the Wildlife and Countryside Act 1981 (as amended). If removal outside the nesting season is not feasible, all vegetation to be removed should be checked by an experienced ecologist for the

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<sup>6</sup> Bat Conservation Trust & Institute of Lighting Professionals (2018) Guidance Note 08/18 - Bats and Artificial Lighting in the UK - Bats and Built Environment Series'

presence of active nests. Should active nests be discovered, detailed advice would be provided by the supervising ecologist. Advice is likely to include a buffer zone around any located nests until all young have fledged.

### **Great Crested Newt**

- 5.18 Great crested newts are afforded legal protection by Schedule 5 of the Wildlife and Countryside Act 1981 (*as amended*) and under the Conservation of Habitats and Species Regulations 2017. This legislation applies to all life stages of great crested newts. Great crested newts are also listed as a species of principal importance under the NERC Act.
- 5.19 Consultations with WYJS returned no records for great crested newts within 1 km of the site boundary. The terrestrial habitat on-site was considered to offer no suitable terrestrial habitat for great crested newts. There are no waterbodies which provide suitable breeding habitat on-site and one pond within 500 m of the site boundary. This pond is located 260m to the north-west and is separated from the site by industrial units and the A62, which are considered to be partial barriers to dispersal. Therefore, given the lack of on-site breeding habitat or connectivity to suitable off-site breeding habitat, the site is not considered likely to support this protected species and, as such, great crested newts are not considered to pose a constraint to development.

### **General enhancements**

- 5.20 In addition to the recommendations with respect to individual species and habitats outlined above, opportunities may exist within the scheme for general biodiversity enhancements to be undertaken. As such, the following are recommended for this Site:
- Faunal habitat measures could be incorporated into the redevelopment, these could include features such as bat boxes, bird boxes, hedgehog houses and insect tubes/boxes.
  - Soft landscaping using native and ecologically valuable species would enhance the site, avoid using non-native species with overly complex flower structure or those of an invasive nature such as cotoneasters.

## 6.0 APPENDIX A: BOTANICAL SPECIES LIST

For each habitat type a representative species list was recorded. Species lists are not exhaustive of all flora present in each habitat type.

Abundance is described on the DAFOR scale. D = Dominant, A = Abundant, F = Frequent, O = Occasional, R = Rare

| Ephemeral/short perennial |                                  |       |
|---------------------------|----------------------------------|-------|
| Common Name               | Scientific Name                  | DAFOR |
| Red fescue                | <i>Festuca rubra</i>             | A     |
| Dandelion                 | <i>Taraxacum officinale</i> agg. | F     |
| Yorkshire-fog             | <i>Holcus lanatus</i>            | F     |
| Cock's-foot               | <i>Dactylis glomerata</i>        | F     |
| Hairy bitter-cress        | <i>Cardamine hirsuta</i>         | F     |
| White clover              | <i>Trifolium repens</i>          | O     |
| Perennial rye-grass       | <i>Lolium perenne</i>            | O     |
| Common mouse-ear          | <i>Cerastium fontanum</i>        | O     |
| Broad-leaved dock         | <i>Rumex obtusifolius</i>        | O     |
| Groundsel                 | <i>Senecio vulgaris</i>          | O     |
| Common hogweed            | <i>Heracleum sphondylium</i>     | O     |
| Cow parsley               | <i>Anthriscus sylvestris</i>     | O     |
| Common whitlowgrass       | <i>Erophila verna</i>            | O     |
| Common nettle             | <i>Urtica dioica</i>             | O     |
| False oat-grass           | <i>Arrhenatherum elatius</i>     | R     |
| Ribwort plantain          | <i>Plantago lanceolata</i>       | R     |
| Cleavers                  | <i>Galium aparine</i>            | R     |
| Meadow buttercup          | <i>Ranunculus acris</i>          | R     |
| Creeping buttercup        | <i>Ranunculus repens</i>         | R     |
| Daisy                     | <i>Bellis perennis</i>           | R     |
| Oxford ragwort            | <i>Senecio squalidus</i>         | R     |
| Common ragwort            | <i>Jacobaea vulgaris</i>         | R     |
| Common vetch              | <i>Vicia sativa</i>              | R     |
| Great willowherb          | <i>Epilobium hirsutum</i>        | R     |
| Cowslip                   | <i>Primula veris</i>             | R     |
| Spear thistle             | <i>Cirsium vulgare</i>           | R     |
| Colt's-foot               | <i>Tussilago farfara</i>         | R     |
| Yarrow                    | <i>Achillea millefolium</i>      | R     |
| Sow thistle species       | <i>Sonchus</i> sp.               | R     |
| Ash                       | <i>Fraxinus excelsior</i>        | R     |
| Bramble                   | <i>Rubus fruticosus</i> agg.     | R     |
| Butterfly-bush            | <i>Buddleja davidii</i>          | R     |
| Goat willow               | <i>Salix caprea</i>              | R     |

| Amenity grassland   |                             |       |
|---------------------|-----------------------------|-------|
| Common Name         | Scientific Name             | DAFOR |
| Perennial rye-grass | <i>Lolium perenne</i>       | A     |
| Red fescue          | <i>Festuca rubra</i>        | F     |
| White clover        | <i>Trifolium repens</i>     | F     |
| Cock's-foot         | <i>Dactylis glomerata</i>   | F     |
| Meadow foxtail      | <i>Alopecurus pratensis</i> | O     |

| Amenity grassland |                                  |   |
|-------------------|----------------------------------|---|
| Broad-leaved dock | <i>Rumex obtusifolius</i>        | O |
| Dandelion         | <i>Taraxacum officinale</i> agg. | O |
| Meadow buttercup  | <i>Ranunculus acris</i>          | O |
| Yarrow            | <i>Achillea millefolium</i>      | O |
| Ribwort plantain  | <i>Plantago lanceolata</i>       | O |
| Field wood-rush   | <i>Luzula campestris</i>         | R |
| Red clover        | <i>Trifolium pratense</i>        | R |

## 7.0 APPENDIX B: BREEAM SUMMARY

- 7.1 In order to demonstrate compliance, the Comprehensive route (Route 2) was used, with input from a Suitably Qualified Ecologist (I Hunter).

### LE02: Identifying and understanding the risks and opportunities for the site

#### Survey and Evaluation

- 7.2 FPCR were instructed at the pre-planning stage to provide ecological support and inform opportunities and constraints on the proposed site in February 2020. The SQE carried out the Extended Phase 1 Habitat / UKHab Survey on the 19<sup>th</sup> March 2020.
- 7.3 The Extended phase 1 habitat survey / UKHab Condition Assessment determined the site was dominated by habitats of low / negligible value to biodiversity. Some habitats within the site were identified which had some potential to support roosting bats and breeding birds. Subsequent bat emergence surveys were undertaken following appropriate survey guidelines. No roosts were recorded in either building surveyed.
- 7.4 Opportunities to enhance the ecological value of the site were discussed with the project team and fed into the landscape design, in collaboration with the Landscape architect. Additionally, prior to the bat surveys being undertaken, the potential requirement for a European Protected Species Licence (EPSL) was discussed with the project team. Requirements to conform with all relevant legislation were outlined in the event that subsequent surveys determined the buildings on site supported roosting bats.
- 7.5 The project was overseen by Mr Kurt Goodman (Director) who managed the liaising with relevant stakeholders and providing ecological advice. Ecological advice was provided by the SQE and Kurt Goodman through written and verbal correspondence including a draft ecological appraisal issued in April 2020, email, telephone and meetings. Determining ecological outcomes

#### One Credit

#### Determining ecological outcomes

- 7.6 Surveys were conducted in the early stages to identify any areas of ecological interest and potential for protected species to be present within site or a relative distance to the site. The layout of the development was amended based on the area required to provide sufficient compensatory habitat to provide a measurable net gain to biodiversity. This involved discussions with the client and

landscape architect to determine appropriate habitats to be created, suitable seed mixes and long term management which would be required to achieve the required biodiversity units.

- 7.7 The mitigation hierarchy was followed through the design process and all ecological constraints were conveyed to relative stakeholders to avoid unintentional damage or loss. The site was assessed as being of low to negligible value to biodiversity. The retention of the scattered trees recorded on the boundary retains the only features of value to biodiversity within the site. Measures were put in place to protect these retained habitats during construction and breeding birds during site clearance. It was agreed that herb rich formal grassland will be created across the site to offset the loss of existing low value amenity grassland and provide a significant net gain to biodiversity.

#### **One Credit**

### **LE03: Managing negative impacts on ecology**

#### **Planning and measures on-site**

- 7.8 Potential constraints relating to site preparation were identified at an early stage. This related to the bat roosting potential of both of the buildings recorded within the site. Subsequent surveys found that roosting bats were absent.
- 7.9 Site preparation and construction were considered in the draft Ecological Appraisal issued to the project team, to facilitate the retention of the scattered trees on the margins of the site. Mitigation measures were outlined to avoid impacts to breeding birds during site clearance.
- 7.10 Mr Kurt Goodman attended project meetings and both Mr Kurt Goodman and Mr Ian Hunter communicated to the client and other relative stakeholders via written and verbal correspondence.

#### **One credit**

#### **Managing negative impacts**

- 7.11 The site was assessed as having low-negligible value to biodiversity due to the dominance of sealed developed surfaces. No habitats of biodiversity value will be lost to proposals, with losses comprising low distinctiveness amenity grassland and ruderal/ephemeral vegetation.
- 7.12 Use of the Defra 2.0 Metric determined that the site baseline value was 0.53 Biodiversity units. The retained scattered scrub recorded on the margins of the site and the proposed landscape plans will ensure a net gain to biodiversity of 41.77% post development.

#### **Two credits**

### **LE04: Enhancement of Ecological value**

#### **Ecological enhancement**

- 7.13 The majority of the Site comprised developed land which included two buildings and hardstanding. Other habitats present included ephemeral/short perennial vegetation, amenity grassland and a small area of scattered scrub, all of which are low distinctiveness. As such, it was possible to provide significant enhancements to biodiversity on-site.
- 7.14 Data from the surveys were analysed and due to the general lack of ecological interest were not provided to the local record centre.

**One Credit****Change and enhancement of ecology**

- 7.15 The Defra metric 2.0 tool was used to calculate the change in ecological value of the site, with the Ukhab condition assessment, included within the Defra Metric 2.0 Technical Supplement used to assess the condition of the habitats within the site.
- 7.16 The results of the calculations using the Defra metric 2.0 tool demonstrate that a measurable net gain in biodiversity (+0.22 biodiversity units which equates to a 41.77% gain) can be achieved from the proposed development.
- 7.17 The Reward Scale table in Guidance note GN36 categorise this as 'significant net gain' and given proposals do not lead to any residual impacts on protected sites or irreplaceable habitats credits are awarded on that scale.

**3 credits (+1 exemplary credit)****LE05: Long term management and maintenance****Management and maintenance throughout the project**

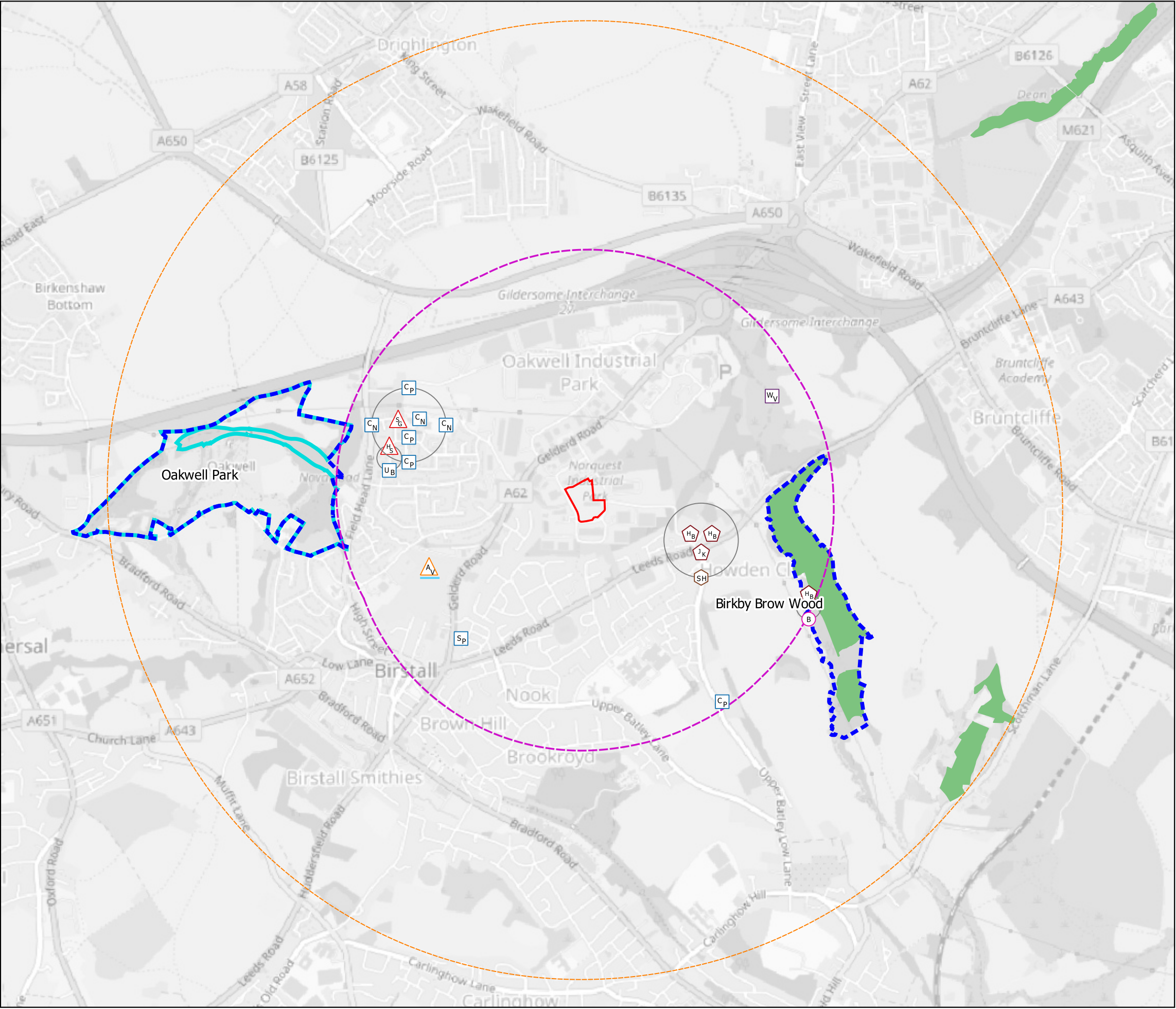
- 7.18 In order to provide monitoring and review of the establishment of the wildflower lawn biennial habitat monitoring visits have been agreed. Management prescriptions will be reviewed based on this monitoring and any refinements incorporated into an updated version of the Management Plan. The condition of the grassland areas would be reviewed within 6 months of its original seeding and any areas which have failed to establish would be re-seeded.
- 7.19 A copy of the Biodiversity Management Plan will be supplied to the occupier and landscape management company. A copy of the Biodiversity Management Plan will be kept in the site office and updated, as necessary, subsequent to the monitoring period stated.

**One Credit****Landscape and ecology management plan**

- 7.20 The Biodiversity Management Plan, together with the Soft Landscape proposals plan detail the habitat creation and ongoing management prescriptions for the site, in accordance with BS 42020:2013

**One Credit**





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## Key

 Site boundary

### Buffers

 1km buffer

 2km buffer

### Designated sites

 Local Nature Reserve (LNR)

 Local Wildlife Site (LWS)

 Ancient Woodland

### Notable species

 Common pipistrelle

 Soprano pipistrelle

 Common noctule

 Unknown bat species

 Water vole

 Starling

 House sparrow

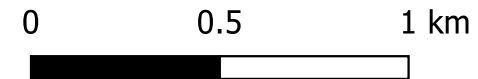
 Avocet

 Small Heath butterfly

 Bluebell

 Himalayan balsam

 Japanese knotweed





client  
**Mileway Real Estate**

project  
**Land between Pennine View and Pheasant Drive, Birstall**

drawing title  
**SITE LOCATION AND CONSULTATION PLAN**

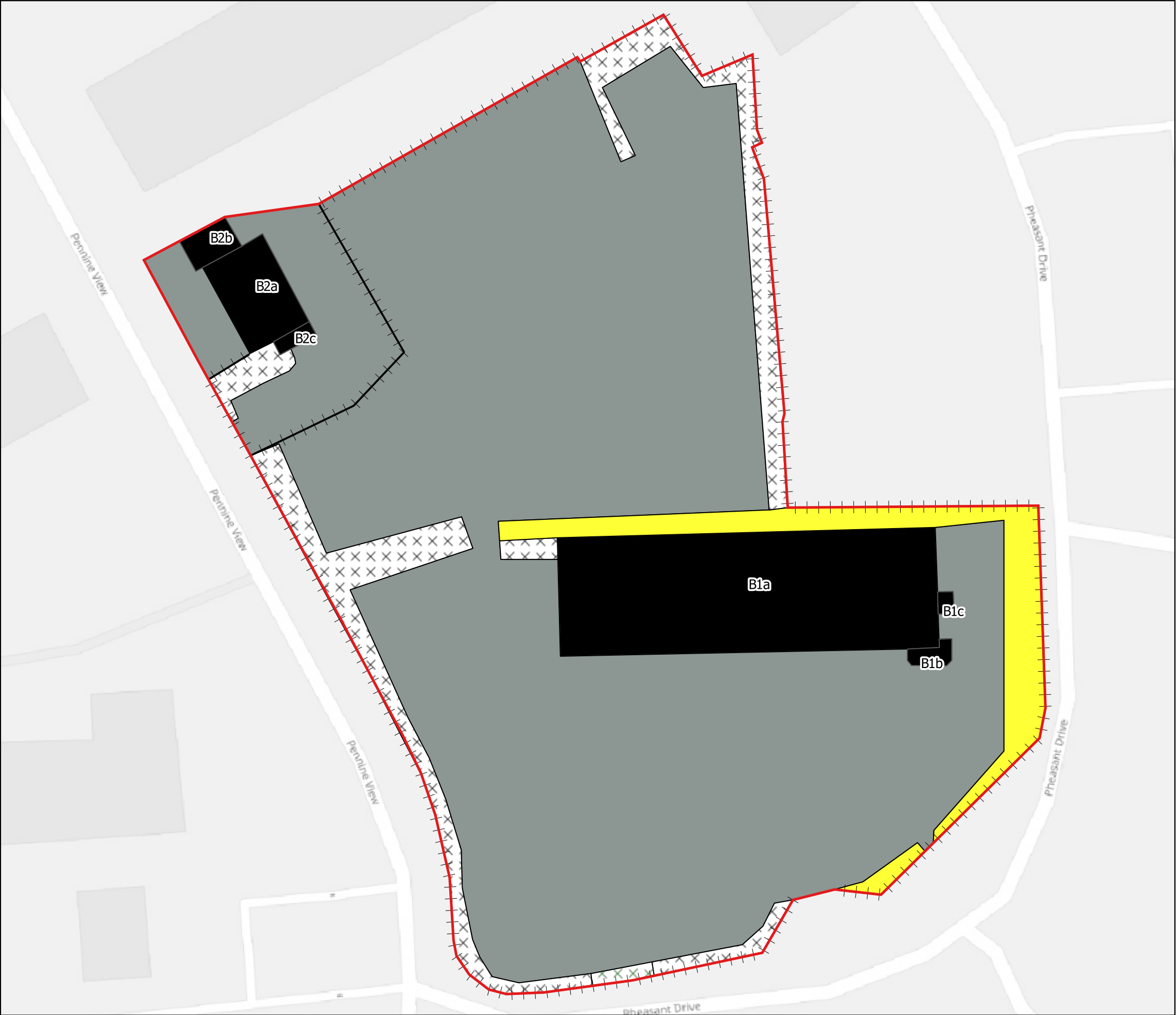
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issue  
9/4/2020

Figure 1

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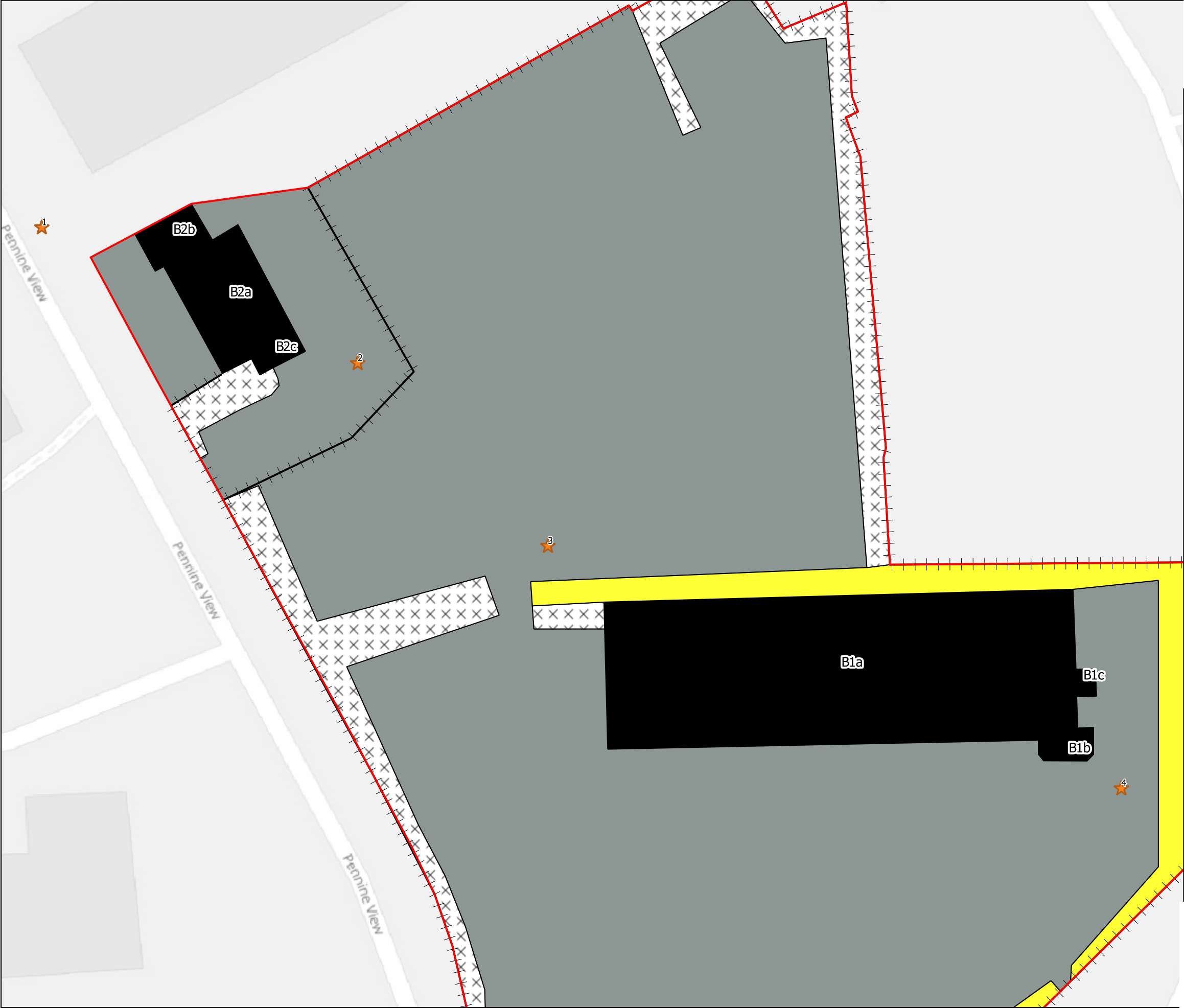


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## Key

- Site Boundary
- Phase 1 Habitats
  - Buildings
  - Built Environment: Buildings/hardstanding
  - Cultivated/disturbed land - amenity grassland
  - Cultivated/disturbed land - ephemeral/short perennial
  - Scrub - scattered
- Fence

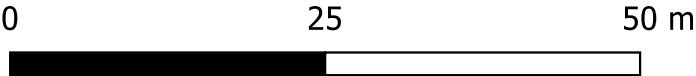


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**Key**

- Site Boundary
- Built Environment: Buildings/hardstanding
- Buildings
- Amenity grassland
- Ephemeral/short perennial
- Surveyor locations



client  
**Mileway Real Estate**  
project  
**Land between Pennine View and Pheasant Drive, Birstall**  
drawing title  
**BAT EMERGENCE PLAN**

scale @ A3  
1:600  
drawn  
IH  
issue  
17/8/2020

drawing / figure number  
**Figure 3**  
rev  
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