Ecological Impact Assessment Report

Lidl, Birstall

Tyler Grange

26th March 2021

Report No:	Date	Revision	Author	Checked
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Summary

S.1. This report has been prepared by Tyler Grange Group Ltd on behalf LIDL GB to accompany a planning application relating to the re-development of the site. It sets out the findings of a desk study, extended Phase 1 habitat survey, preliminary bat roost assessment and nocturnal bat roost surveys of land and sub-station building at Birstall – centred at approximate grid reference SE2358427437. This assessment has been completed to accompany a planning application for development of the site for two retail units, with associated infrastructure and landscaping.

S.2. The site covers an area of approximately 1.5 ha situated in Birstall. The surrounding area is a large retail complex, with grassland to the south and east. At the time of survey, the habitats within the site comprised bare ground/ hardstanding, building, introduced shrubs, poor semi-improved grassland, scattered scrub, tall ruderal vegetation and ephemeral/short perennial and plantation trees. The extent of these habitats is shown in drawing 13438/P01.

S.3. The findings of the surveys were used to assess the following:

- Potential effects to statutory and non-statutory conservation designations:

  a) None – all nature conservation sites within the Zone of Influence around the site are considered to be sufficiently distant to avoid any adverse impacts as a result of the proposed works.

- Potential effects on protected and priority species:

  b) Amphibians: Likelihood of amphibian presence within the site considered negligible – no impacts on this species expected;

  c) Badger: No evidence of this species on-site during the survey and likelihood of presence within the site considered negligible;

  d) Bats: No bat roosts were recorded during the nocturnal surveys of Building 1 and therefore no further mitigation required for the buildings on site. Recommendation for soft felling of trees with low bat roost potential and sensitive relocation of bat boxes (if required);

  e) Birds: Potential for nesting birds across the site – all site clearance works preceded by a check for active nests by a suitably qualified ecologist if conducted in core nesting season (March – August inclusive). Habitat loss to be compensated for through the provision of new nest box features and sensitive landscaping scheme;

  f) Hedgehog – mitigation to comprise sensitive boundary treatment features to allow hedgehogs to disperse through site; and

  g) Invertebrates: Installation of insect/bee shelters would enhance value of site for invertebrates, in particular bees.

S.4. The implementation of the mitigation and enhancement strategies outlined above can all be controlled by appropriately worded planning conditions, for the proposed development to conform with relevant planning policy and legislation, as set out at **Appendix 1.**

Section 1: Introduction and Site Context

Purpose

1.1 This report has been prepared by Tyler Grange Group Ltd on behalf of LIDL GB. It sets out the findings of an Ecological Impact Assessment for a parcel of land opposite the Birstall Shopping Park, in Birstall (OS Grid Reference SE 23584 27437), hereinafter referred to as the 'Site'. See **Figure 1** below.

1.2 The site is located close to junction 27, off the A62 in Birstall and measures approximately 1.5 hectares and comprises a formerly cleared site, with some areas of scrub, mixed plantation woodland and tall ruderal vegetation around the boundary.

Figure 1: Site Context and Boundary
(Aerial Imagery © Google 2020)

1.3 This report and associated surveys were completed to accompany a planning application for two new retail units with associated access, parking, landscaping and infrastructure shown in Appendix 3.

1.4 This Report:

- Uses available background data, results of field surveys and consultation, to describe and evaluate the ecological features present within the likely 'zone of influence' (ZoI)1 of the proposed development;

[1] Defined as the area over which ecological features may be subject to significant effects as a result of activities associated with a project and associated activities (CIEEM 2019).

- Describes the actual or potential ecological issues and opportunities that might arise as a result of the site's development;
- Where appropriate, makes recommendations for mitigation of adverse effects and ecological enhancement, to ensure conformity with policy and legislation listed in Appendix 1; and
- Identifies whether any further work is required to inform the planning application.

1.5 This assessment and the terminology used are consistent with the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2019) and 'Guidelines for Preliminary Ecological Appraisals' (CIEEM, 2019).

Section 2: Ecological Features

Context

2.1 The site is located close to the M62 junction 27, off the A62 in Birstall and is opposite the Birstall Retail Park. The site measures approximately 1.5 hectares and comprises a formerly cleared site with some areas of scrub and mixed plantation woodland around the boundary.

2.2 The site is surrounded by a large retail park to the north and west, leading into Birstall town to the southwest. To the east and south lies a mosaic of woodland with some mixed-use farmland, encircled by the M62.

2.3 Other habitats within the site comprised bare ground/ hardstanding, building, introduced shrubs, poor semi-improved grassland, scattered scrub, tall ruderal and ephemeral/short perennial and plantation trees. The extent of these habitats is shown in drawing **13438/P01.**

Ecological Features

Protected Sites

2.4 There are no statutory sites of international designation within 10km of the site boundary.

2.5 One site of national designation was found within 2km of the site boundary: Oakwell Park is a Local Nature Reserve (LNR) located 1.38km to the west of the site. It has been designated for its semi-natural landscape and general wildlife value.[2]

2.6 LNRs are notified under Section 21 of the National Parks and Access to the Countryside Act 1949 by local authorities. They are not necessarily of great ecological importance and are intended for public appreciation and enjoyment of wildlife. The LNR designation does not afford special protection, although LNRs are protected under legislation and planning policy.

Non-statutory Sites

2.7 The following non-statutory sites were returned by West Yorkshire Ecology Service (WYES) as within 2k m of the site boundary:

- Birkby Brow Wood, Local Wildlife Site (LWS), located 0.5km southeast of the site.
- Oakwell Park LWS, located 1.38km west of the site.
- Clubber Oaks and Dean Wood LWS, located 1.6km northeast of the site.
- Morley Spring Wood LWS, located 1.7km southeast of the site.

Habitats and Flora

[2] https://www.kirklees.gov.uk/beta/planning-policy/pdf/supportingDocuments/climateChange/Kirklees-Landscape-Character-2015.pdf

2.8 The site supports the following habitats:

- Bare ground/ hardstanding;
- Building;
- Introduced shrubs;
- Mixed Plantation Woodland;
- Poor semi-improved grassland;
- Scattered scrub; and
- Tall Ruderal and Ephemeral/Short Perennial.

2.9 For ease of reference, habitat types have been described alphabetically, below. All the features described are shown on the **Habitat Features Plan 13438/ P01**.

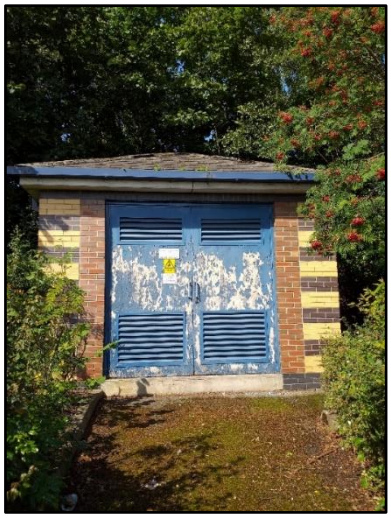
Bare ground and hardstanding

2.10 Most of the site consisted of bare ground, hardstanding, and rubble stockpiles; see **photograph 1** below. Metal hoarding fencing surrounds most of the area although some panels were down at the east side during the survey. This habitat was considered to be of **negligible ecological importance.**

Photograph 1- Bare ground and rubble

Building

2.11 At the western edge close to the boundary there is a small electricity substation, hereinafter referred to as 'Building B1'. A detailed description of this buildings is contained within the bat inspection results section. This habitat was considered to be of **negligible ecological importance,** but it is noted that it did have value for roosting bats. See **Photograph 2** below.



Photograph 2- B1 at western edge of site

Introduced Shrubs

2.12 Amongst the boundary trees there are areas of ornamental shrubs including *Hebe sp*. and Laurel *Laurus nobilis*. Some of these shrubs are managed as small hedges. This habitat is considered to be of **negligible ecological importance** but may have importance for nesting birds – see fauna section below. See **Photograph 3** below.

Photograph 3- Area of ornamental shrubs within the site

Mixed Plantation Woodland

2.13 Established tree and shrub planting existed around the whole boundary of the site. Planting was dominated by semi-mature and immature silver birch *Betula pendula*, grey alder *Alnus incana*, white poplar *Populus alba*, lime *Tilia sp* and willow *Salix sp*. There is also occasional sycamore *Acer pseudoplatanus*, rowen *Sorbus sp*, cherry *prunus* sp, pine *Pinus sp*, elder *Sambucus* and dog rose *Rosa canina*. This habitat type was considered to be of **site ecological importance** and also has value to protected and notable species. See **Photograph 4** below.

Photograph 4- Woodland around boundary of site

Poor semi-improved grassland

2.14 There was a small patch of species poor grass littered with waste along the eastern boundary by the tree line. Species present comprised perennial rye grass *Lolium perenne* with some ragwort *Jacobaea vulgaris* and thistles *Asteraceae sp*. This habitat type was considered to be of **negligible ecological importance**. See **Photograph 5** below.

Photograph 5- Area of poor semi-improved grassland along eastern boundary of the site.

Scattered Scrub

2.15 Areas of scattered scrub were present across the site consisting mainly of bramble *Rubus fruticosus agg.* and tree saplings, with ragwort, bindweed *Convolvulus pluricaulis*, common nettle *Urtica dioica* and rosebay willow herb *Chamaenerion angustifolium* are scattered throughout the site including adjacent to B1, amongst the boundary plantation woodland and in the main site. This habitat type does not qualify as a biodiversity action plan priority habitat of 'open mosaic'[3] due to it

[3] http://data.jncc.gov.uk/data/a81bf2a7-b637-4497-a8be-03bd50d4290d/UKBAP-BAPHabitats-40-OMH-2010.pdf

being under 0.25ha in area and was considered to be of **site ecological importance** and also has importance for protected species – see Fauna section below. See **Photograph 6** below.

Photograph 6- Example of scattered scrub across the site

Tall Ruderal and Ephemeral/Short Perennial

2.16 The bare ground and rubble piles were becoming colonised by small areas of tall ruderal and ephemeral and short perennial plants. Species included Buddleia *Buddleja davidii*, spear thistle *Cirsium vulgare*, teasel *Dipsacus fullonum*, great willow herb *Epilobium hirsutum*, common nettle, ragwort and broadleaved dock *Rumex obtusifolius*. Smaller areas containing similar species are also present across the site. This habitat type does not qualify as open mosaic habitat due to it being under 0.25ha in size and was considered to be of **negligible ecological importance** but has some value for protected species – see fauna section below. See **Photograph 7 and 8** below.

Photograph 7 and 8- examples of tall ruderal and ephemeral/ short perennial areas across the site.

Habitats Adjacent to the Site

2.17 The site is surrounded by a retail complex of shops, restaurants and cinemas at the immediate north, and west, along with areas of employment. Tree planting typical of the site is present throughout the complex. At the east and south across a main road are areas of grassland, scrub, and woodland.

Fauna

2.18 The faunal species or groups that have been considered in this appraisal are summarised below. For ease of reference, descriptions of the fauna have been described alphabetically.

2.19 Although the site was considered unlikely to support any populations of invertebrates of local or national interest due to the narrow range of typically unsuitable habitats, Section 4.0 of this report has detailed measures which could be incorporated within the proposals to enhance the site for invertebrates. This would subsequently provide ecological benefits for a range of higher trophic species (i.e. birds/small mammals) which utilise invertebrates as a food source.

Amphibians

2.20 WYES returned no records of amphibians within 1km of the site boundary from the past 10 years.

2.21 No ponds were recorded on-site but one pond was recorded within the extended terrestrial range for Great Crested Newts *Titurus cristatus* (GCN) within 500m of the site, located approximately 252m north. However, the likelihood of any GCN being present in this pond being able to disperse to the site is considered to be negligible due to the main road (A46) and extensive built form creating a dispersal barrier.

2.22 The likelihood of amphibian presence within the site is considered to be exceptionally low due to the absence of suitable aquatic and terrestrial habitat for this species group, abundance of suitable terrestrial habitat off-site and lack of connectivity with ponds nearby which could support breeding populations of amphibians. Therefore, this site is **considered to be of negligible importance** to amphibians and they will not be discussed any further in this report.

Badger

2.23 WYES returned a single record of a badger *meles meles* sett within the study area. The site also lies within the zone of increased badger probability, indicating there have been badger records within the 2km buffer of the site. This zone has been created by WYES due to the sensitivity of badger records, to demonstrate areas of increased badger activity without sharing grid references of where badgers have been recorded.

2.24 No evidence of badger was recorded within the site during the survey and the site does not provide suitable habitat for commuting or foraging badgers and sub-optimal habitat for sett excavation.

Bats

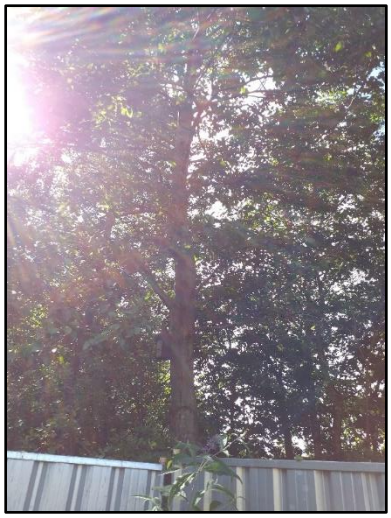
2.25 WYES records returned records of five species/groups of bat within 2km of the site from the past 20 years including; Leisler's bat *Nyctalus leisleri,* noctule *Nyctalus noctule,* common pipistrelle *Pipistrellus pipistrellus*, Nathusius' Pipistrelle *Pipistrellus pygmaeus* and soprano pipistrelle *Pipistrellus pygmaeus*. None of these records were within 1km of the site boundary, with the closest being a common pipistrelle found 1.1km away in 2010 and a common pipistrelle roost was recorded in 2010, approximately 1.8km away from the site.

Preliminary Roost Assessment

2.26 All buildings and trees on site were inspected for their bat roost potential during the phase 1 survey. The trees around the boundaries were considered to have negligible or low bat roost potential. Two Schwegler bat boxes were present on grey alders at the south east of the site shown as **TN01** and **TN02** on **Plan 13438/ P01**.

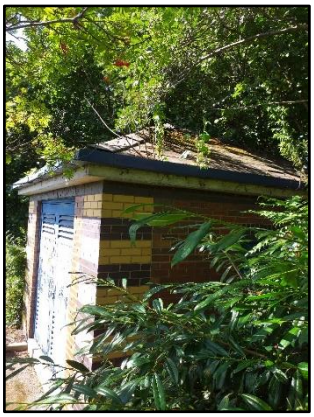
2.27 The data search returned no European Protected Species (EPS) licences within the site, meaning bat box 1 (TN01) shown in **Photograph 9** and bat box 2 (TN02) shown in **photograph 10** are not compensation features as part of any grated EPS licences in the local area. The closest Licence was 1.3km for the destruction of a common pipistrelle and soprano pipistrelle roost but is a sufficient distance from the site.

Photograph 9: Tree 11 with bat box



Photograph 10: Tree 20 with bat box

2.28 The only building present onsite was considered to have low bat roost potential. See **Table 2.1** below for full details of the preliminary roost assessment of the buildings and trees within the site.

Building/ Tree	Description
Building (B1)	The building measures c.3m by 3m, and 2-3 m tall. There is a small gap the under tiles at the four corners of the roof and occasional small gaps where the soffit boxes meet the brick work. The doors are slatted and there are some brick grills. Numerous cobwebs were present externally This building was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.  
Tree 1	Semi-mature silver birch tree with some ivy cover up the trunk. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 3	Mature silver birch tree with a cracked trunk creating a cavity. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 4	Semi-mature white poplar tree with a broken branch creating a possible cavity. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 11	Grey alder tree with no bat roosting features but containing a bat box on the truck. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 13	Semi-mature silver birch trees with dense creeping ivy cover. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 14	Semi-mature Willow tree with dense creeping ivy on the trunk. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 16	Semi-mature white poplar tree with creeping ivy cover up the trunk. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.

Building/ Tree	Description
Tree 17	Semi-mature pine tree covered in thick ivy cover. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 18	Semi-mature white poplar tree, with some ivy coverage. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 20	Grey alder tree with no bat roosting features but containing a bat box on the truck. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.
Tree 21	Semi-mature silver birch tree, with thick ivy coverage. This tree was observed to have some features suitable for smaller numbers of bats and is therefore classified as having **low bat roost potential**.

Table 2.1: Results of preliminary roost assessment for bats

2.29 The remainder of the trees on site were observed to have no features suitable for roosting bats and are therefore classified as having **negligible bat roost potential**.

2.30 The majority of the site was considered to be of very low value to foraging/commuting bats given its urban nature. However, the scrub and tree lines around the boundary do provide suitable foraging and commuting habitat for bat species.

2.31 In line with best-practice guidelines[4], the PRA concluded the need for one further nocturnal survey on Building 1 with low bat roosting potential. The following section provides the results of this survey.

Nocturnal Bat Emergence Survey

2.32 One nocturnal bat emergence survey was carried out on 3rd September 2020 - full details of methodologies are provided in **Appendix 2**.

2.33 No bat emergences or re-entries were recorded from Building B1 throughout this survey. There were incidental recordings of common pipistrelle *Pipistrellus pipistrellus*. Bats were noted throughout most of the survey to be commuting and foraging along the line of trees running west of the site.

Birds

2.34 Five species records of birds which are Birds of Conservation Concern (BoCC) or listed as a priority species in the Biodiversity Action Plan (BAP) were returned within 2km of the site boundary within the past 10 years. Of those relevant to the site was Dunnock *Prunella Modularis* (full details can be made available on request).

[4] https://cdn.bats.org.uk/pdf/Resources/Bat_Survey_Guidelines_2016_NON_PRINTABLE.pdf?mtime=20181115113931

2.35 The majority of the site does not provide suitable habitat for nesting or foraging birds due to it being baren of vegetation. The boundaries do, however, offer some potential nesting, shelter and foraging opportunities from the scrub and tree line, which could support populations of bird such as house sparrow, although not in a breeding capacity.

2.36 The site is considered sub-optimal for ground nesting birds due to its small size, enclosed nature, urban surroundings, and presence of stockpiles obscuring sightlines restricting site suitability. Additionally, no other habitats were recorded on site or adjacent to the site with the potential to support any Schedule 1 species, and no such relevant species were recorded during surveys or returned from WYES.

Hedgehog

2.37 WYES returned 8 records of hedgehog within 2km of the site boundary, with the most recent record being 1.1km away in 2019. The scrub around the boundary of the site would offer suitable habitat for hedgehog, along with the woodland and farmland areas running adjacent to the site to the east.

Otter and Water Vole

2.38 There were no records of otter *Lutra lutra* or water vole *Arvicola terrestris* within 2km of the site boundary from the past 10 years.

2.39 The likely presence of either species is considered extremely low due to the lack of suitable habitat in the form of water features on-site or adjacent; therefore, this site is not considered to be of **negligible** importance to otter or water vole and they will not be discussed any further in this report.

Reptiles

2.40 The data search returned no records of reptiles within 2km of the site.

2.41 The majority of the site was considered to be unsuitable for reptiles owing to its urban nature. The areas of loose scattered scrub and woodland that were present were considered sub-optimal habitat for reptiles as they were largely bare earth and very shaded which would not provide the range of ecotones required by reptiles. The area of grassland, scrub and tree habitat to the immediate east is considered to be suitable habitat for dispersal however, the site is located within a busy leisure complex and the amount of suitable habitat on site is small and limited.

2.42 The likelihood of reptile presence within the site is considered **negligible** due to the presence of sub-optimal habitat for this species group on-site and more favourable habitat present to the south east of the site; therefore, this site is not considered to be of importance to reptiles and they will not be discussed any further in this report.

Section 3: Potential Impacts and Considerations for Development

Proposed Development

3.1. The proposed development would require the loss of the areas of poor semi-improved grassland, ornamental shrub, tall Ruderal and ephemeral/short Perennial, scattered scrub and trees, including some of the trees associated with the woodland along the eastern boundary of the site, see **Appendix 3** for proposed site layout.

3.2. The potential consequences with respect to development of the site are set out below, with reference to relevant legislation and planning policy, which is summarised in **Appendix 1**.

Protected Sites

3.3. All listed non-statutory woodlands and park including Oakwell Park located 1.38km to the west of the site would not be impacted either directly or indirectly by the proposal due to it being a retail scheme rather than residential, therefore not initiating an increase in recreational activity. The sites are also sufficiently distant to avoid any impacts through the construction phase (i.e. dust pollution/surface water run-off)

Habitats and Flora

3.4. All habitats present within the site are not important beyond site level, but they do offer suitable habitat for some species. As habitats on site are considered not important beyond site level, a sensitive landscaping scheme could accommodate for these losses.

Fauna

Badger

3.5. Although no evidence of badger was recorded during the survey, badgers can excavate setts in suitable habitat in a short space of time. A precautionary inspection for this species should, therefore, be made prior to any works commencing.

Bats

3.6. The single nocturnal survey of Building B01 did not record any roosting bats within the building and the likely absence of roosting bats from this building is, therefore, confirmed. Therefore, demolition of the building will not breach current legislation and/or local planning policy in regard to the protection of bats.

3.7. The proposals also provide an opportunity to enhance the site for roosting bats. Recommendations to this regard are made in **Section 4** of this report.

3.8. Under current survey guidelines, there is no requirement for further surveys for bats should tree loss be necessary, but mitigation for the removal of these trees, if required, should comprise soft-felling techniques whereby:

- Each tree is climbed and sectionally felled, lowering each limb onto the ground;
- Each limb is left on the ground for a period of 24 hours before moving off-site/chipping;

3.9. Once operational, the development has the potential to increase nocturnal lighting levels on the site which could have an adverse impact on bat activity. As such a sensitive lighting strategy should be designed to ensure that lighting is of low level and seeks to maintain dark, unlit corridors along the site boundaries to ensure that the site remains favourable for use by roosting, commuting and foraging bats in the locality.

3.10. If removal of trees 11 and 20 containing bat boxes 1 and 2 is required, both boxes would need to be checked by a licence consultant prior to felling and if roosting bats are found, further advice would need to be sought by the ecologist. If no roosting bats are present, it may be possible to relocate the boxes to a nearby suitable area but only under advice and supervision by the licenced consultant.

Birds

3.11. The proposals would require the loss of habitat of value to nesting and foraging birds through the loss of introduced shrub and tress. The loss of this habitat will be compensated for through the provision of a suitable landscaping scheme to incorporate favourable habitat for nesting birds i.e. native shrub and scrub planting.

3.12. In line with NPPF, the proposals also provide an opportunity to enhance the site for nesting birds, in particular those of conservation concern nationally. Recommendations to this regard are made in **Section 4** of this report.

3.13. The proposals will also need to consider the presence of nesting birds during the clearance of shrub and trees. Works should be timetabled for the winter period to avoid the 'core' nesting bird season (i.e. March to August inclusive). If works are necessary between March and August, it is recommended that all vegetation clearance or site activity is preceded by a check for active nests by a suitably experienced ecologist. If an active nest is found, works will need to cease in that area and a 'no-work' buffer implemented around the nest until all chicks have fledged and it is considered 'inactive' by a suitably experienced ecologist. The size of buffer will need to be commensurate with the species concerned and stage of nesting. Additionally, due diligence should be shown over winter months as some species i.e. doves/pigeons can nest all year round.

Hedgehog

3.14. Habitats to be lost on site include scattered scrub, which provides limited suitable habitat for hedgehog. Hedgehogs are a local Biodiversity action plan species, and the proposals could provide opportunity to enhance the site for hedgehogs through provision of hedgehog houses.

3.15. Fences to ground level around the boundary of the site should be avoided, or be designed to include regularly spaced gaps at ground level (approximately 10cm^2), to maintain access through the site for hedgehogs, colloquially known as ‘hedgehog highways’.

Section 4: Conclusions and Recommendations

4.1. The proposed scheme is not considered to result in any residual adverse ecological impacts if the recommended procedures outlined below are followed in relation to protected species, habitats and designated sites.

4.2. No further nocturnal surveys are required to determine the likely absence of roosting bats however, soft felling of trees to be lost and checking of the bat boxes (present at TN01 and TN02) would be required prior to removal/works (if required) to ensure no bats are disturbed or injured, with further advice sought from a suitably qualified ecologist if bats are found during these activities.

4.3. Timing of works will ensure that legislation relating to the protection of nesting birds will timetabled outside of the bird breeding season (generally accepted to be March - August inclusive) to avoid conflicts with active bird nests. Where this is not possible, all tree/building/vegetation clearance should be preceded by a check for active bird nests by a suitably experienced ecologist. It should be noted, however, that some species of bird can nest year-round and due diligence to observe for active bird nests must be shown during any demolition/tree felling outside of the bird nesting season, to protect nesting birds as far as is reasonably practicable

4.4. It will also be necessary to complete an update inspection for badger prior to works commencing on site as this species is mobile and can excavate setts in short spaces of time.

4.5. In line with local planning policy ‘LP30’ the development must seek a net gain in biodiversity. The Landscaping scheme for the site should seek to retain trees where possible and plant native replacement trees where this is not possible. Additionally, areas of wildflower planting and scrub are recommended.

4.6. The following landscaping features should be incorporated in the landscaping scheme that will also contribute to enhancing the biodiversity value of the site.

- Installation of bird boxes on retained trees along riparian corridor and house sparrow box on new building;
- Installation of bat boxes on new buildings/retained trees;
- Instillation of hedgehog highways to provide access through the site and hedgehog houses to increase opportunity for this LBAP species;
- Creation of insect ‘shelters’ amongst areas of grassland;
- Installation of underground bee nest boxes amongst areas of grassland;

4.7. Providing the above recommendations are implemented, there are no ecological reasons why redevelopment of the site should not proceed in accordance with relevant wildlife legislation and planning policy.

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Appendix 1: Planning & Legislative Context

Legislation

A1.1. Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:

- The Wildlife and Countryside Act (WCA) 1981 (as amended);
- The Conservation of Habitats and Species Regulations 2018;
- The Countryside and Rights of Way (CRoW) Act 2000;
- The Natural Environment and Rural Communities Act (NERC) 2006;
- The Hedgerows Regulations 1997; and
- The Protection of Badgers Act 1992.

A1.2. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2018 (as amended).

A1.3. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.

A1.4. The CRoW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.

Local Planning Policy

Species and Habitats of Principal Importance and the UK Biodiversity Action Plan

A1.5. The UK Post-2010 Biodiversity Framework succeeded the UK BAP partnership in 2011 and covers the period 2011 to 2020. However, the lists of Priority Species and Habitats agreed under the UKBAP still form the basis of much biodiversity work in the UK. The current strategy for England is 'Biodiversity 2020: A Strategy for England's wildlife and ecosystem services' published under the UK Post-2010 UK Biodiversity Framework. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed for the UK BAP remain valuable resources for background information on priority species under the UK Post-2010 Biodiversity Framework.

A1.6. Priority Species and Habitats identified under the UKBAP are also referred to as Species and Habitats of Principal Importance for the conservation of biodiversity in England and Wales within Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006. The

commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

National Planning Policy

National Planning Policy Framework (NPPF), February 2019

A1.7. The National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. It replaces the first National Planning Policy Framework published in March 2012.

A1.8. Paragraph 11 states that:

"Plans and decisions should apply a presumption in favour of sustainable development."

A1.9. Section 15 of the NPPF (paragraphs 170 to 177) considers the conservation and enhancement of the natural environment.

A1.10. A2.11. Paragraph 170 states that planning and decisions should contribute to and enhance the natural and local environment by:

- "protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

A1.11. Paragraph 171 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

A1.12. Paragraph 174 states that in order to protect and enhance biodiversity and geodiversity, plans should:

- "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

A1.13. When determining planning applications, Paragraph 175 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the

location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons58 and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

A1.14. As stated in paragraph 176 the following should be given the same protection as habitats sites:

- "potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."

A1.15. Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

Office of the Deputy Prime Minister (ODPM) Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System

A1.16. ODPM Circular 06/05 was prepared to accompany PPS9, however continues to be valid, and material in the consideration of planning applications since PPS9's replacement by the NPPF.

A1.17. ODPM Circular 06/05 provides guidance on applying legislation in relation to nature conservation and planning in England. Part I considers the legal protection and conservation of internationally designated sites (namely candidate Special Areas of Conservation (cSACs), SACs, potential Special Protection Areas (pSPAs), SPAs and Ramsar sites) and Part II considers the legal protection and conservation of nationally designated sites, namely Sites of Special Scientific Interest (SSSIs).

A1.18. Part III considers the protection of habitats and species outside of designated areas (particularly UK Biodiversity Action Plan species and habitats, which it states are capable of being a material consideration in the preparation of local development documents and the making of planning decisions.

A1.19. Part IV considers species protected by law and states that the presence of a protected species is a material consideration in the consideration of a development proposal that, if carried out, would be likely to result in harm to the species or its habitat and that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Local Planning Policy

Core Strategy - Kirklees Council Local Plan Strategy and policies

A1.20. The Kirklees local plan was adopted in February 2019 replacing the prior Kirklees unitary development plan.

A1.21. The objectives and policies below detail those included in the core strategy that are relevant to the development in question.

A1.22. Policy LP24: Design- 'Development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure; and the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits.'

A1.23. Policy LP30: Natural environment, Biodiversity & Geodiversity - 'The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.'

- In accordance with legislation, the Council will seek to ensure that harmful impacts to statutory designated sites as a result of development proposals are avoided.
- 'Local Designated Sites & Important Local Ecological Features Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.'
- 'Habitats and Species of Principal Importance Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly out-weigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.'
- 'Development proposals will be required to:-

  a) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
  b) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;
  c) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;
  d) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and
  e) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.'

A1.24. Policy LP30: Natural environment, Trees- 'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Proposals will need to comply with relevant national

standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.'

Biodiversity Action Plans

A1.25. The UK Post-2010 Biodiversity Framework succeeded the UK BAP partnership in 2011 and covers the period 2011 to 2020. However, the lists of Priority Species and Habitats agreed under the UKBAP still form the basis of much biodiversity work in the UK. The current strategy for England is 'Biodiversity 2020: A Strategy for England's wildlife and ecosystem services' published under the UK Post-2010 UK Biodiversity Framework. Although the UK BAP has been succeeded, Species Action Plans (SAPs) developed for the UK BAP remain valuable resources for background information on priority species under the UK Post-2010 Biodiversity Framework.

A1.26. Priority Species and Habitats identified under the UKBAP are also referred to as Species and Habitats of Principal Importance for the conservation of biodiversity in England and Wales within Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006. The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

Local Biodiversity Action Plans

A1.27. The Kirklees biodiversity actions plan lists the following species and habitats which are relevant to this site in terms of possible presence or opportunity for implementation within the site:

- House Sparrow
- Song Thrush
- Common Lizard
- Brown Long-eared bat
- Noctule
- Soprano Pipistrelle
- West European Hedgehog
- Scrub

Appendix 2: Survey Methodology

A2.1 A desk-based study was conducted whereby records of designated sites and records of protected and priority species were purchased and interrogated for the site and the surrounding landscape. The following resources were consulted / contacted:

- Multi-Agency Geographic Information for the countryside (MAGIC) website[5];
- West Yorkshire Ecology Service (WYES) Biological Records Centre[6];
- Kirklees Council Website[7];
- Joint Nature Conservation Committee (JNCC) website[8];
- Natural England (NE) designated sites website[9];
- Ordnance Survey mapping; and
- Google Maps, including aerial photography.

A2.2 The following areas of search around the boundary of the site boundary were applied:

- 2km for protected and priority species;
- 2km for non-statutory and statutory designated sites; and
- 10km for European statutory sites.

Extended Phase 1 Habitat Survey

A2.3 An 'extended' Phase I habitat survey was undertaken on 20th August 2020 by Sophie Kirk, an experienced ecologist. The technique was based upon Phase I survey methodology (JNCC, 2010). This 'extended' Phase I technique provides an inventory of the habitat types present and dominant species, including DAFOR ratings where D = dominant, A = abundant, F = frequent, O = occasional and R = rare.

A2.4 The weather conditions for the survey were dry and sunny, 50% cloud cover, with a light breeze, and a temperature of 20°C.

A2.5 Using the above method, the site was classified into areas of similar botanical community types with a representative sample of those species present at the time of the survey being described.

A2.6 Additionally, incidental records of fauna were also made during the survey and the habitats identified were evaluated for their potential to support legally protected and priority species.

Preliminary Roost Assessment for Bats

A2.7 A preliminary roost assessment (PRA) of the buildings and trees within the site was undertaken during the extended Phase 1 habitat survey by Sophie Kirk, who is appropriately experienced in conducting this type of survey. The buildings and trees were subject to an external, ground-level inspection to assess the likelihood of use by roosting bats and to inform the need for further surveys and/or mitigation. The buildings and trees were then categorised as providing negligible, low, moderate or high bat roost potential, in line with current survey guidelines (Collins, 2016).

[5] https://magic.defra.gov.uk/
[6] https://www.wyjs.org.uk/ecology/
[7] https://www.kirklees.gov.uk/beta/default.aspx
[8] http://jncc.defra.gov.uk/ProtectedSites/
[9] https://designatedsites.naturalengland.org.uk/

A2.8 Externally, the buildings were inspected from ground level and the inspection focussed on identifying features suitable for roosting bats to gain access to potentially suitable roosting areas. This included gaps behind soffits/fascias, under lifted lead flashing, under lifted roof tiles, around windows and within masonry. Similarly, all trees were inspected from ground level and potential roost features or potential access points to concealed roost features were recorded (i.e. woodpecker holes, lifted bark, knot holes).

Dusk Emergence Surveys for Bats

A2.9 The nocturnal bat survey was conducted in accordance with published guidance by the Bat Conservation Trust (Collins, 2016). This guidance indicates that where low potential is identified, one evening emergence survey is required to establish the presence or likely absence of bats.

A2.10 The survey was conducted by Amy Sherwin and Leanne Deighton who are both appropriately experienced ecologists on 3rd September 2020 (Survey 19:36- 21:21), weather conditions were dry, mild and with a gentle breeze (40-70% cloud, wind BFS 1, 17-16°C, dry), Sunset was 19:51. Surveyors used Batbox Duets and Anabat Express detectors to detect and record bats. The location of surveyors during the surveys is presented in **Plan 13428/P02** appended to this report.

A2.11 In accordance with the published guidance, dusk surveys began 15 minutes before sunset and continued for a minimum of 1.5 hours after sunset.

Evaluation

A2.12 The evaluation of habitats and species is defined in accordance with published guidance (CIEEM, 2019). The level of importance of specific ecological features is assigned using a geographic frame of reference, with international being most important, then national, regional, county, local and lastly, within the site boundary only.

A2.13 Evaluation is based on various characteristics that can be used to identify ecological features likely to be important in terms of biodiversity. These include site designations (such as SSSIs), or for undesignated features, the size, conservation status (locally, nationally or internationally), and the quality of the ecological feature. In terms of the latter, quality can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

Limitations

A2.14 This Report is biased on 3rd party data from MAGIC and the Local Ecological Record Centre and Tyler Grange Group LTD. Cannot vouch for the accuracy of this data.

A2.15 The nocturnal roost survey on the 3rd of September 2020 took place just out of the optimal survey season (May-August). However, the weather conditions during the survey were considered optimal and bat activity during the survey indicated that bats were active, meaning results are considered accurate.

Appendix 3: Proposed Site Layout

GROSS INTERNAL AREA	LIDL BBS 2020.1 MODIFIED		LIDL BBS 2020.1 STORE TYPE 1400 (FOR COMPARISON)	
	m²	ft²	m²	ft²
SALES FLOOR	1,414	15,220	1,414	15,220
WAREHOUSE	471	5,070	415	4,467
ANCILLARY	346	3,724	346	3,724
TOTAL AREA	2,231	24,014	2,175	23,412

PARKING SCHEDULE - ALTERNATIVE	
ACCESSIBLE SPACES	10
EV SPACES	2
PARENT & CHILD SPACES	9
STANDARD SPACES	154
GRAND TOTAL	175

SITE AREA - OPT 10			
		M2	ACRES
	DISPOSAL LAND	3603.45	0.89
	OVERALL SITE BOUNDARY (ASSUMED)	15313.14	3.78

GROSS EXTERNAL AREAS		
	SQM	SQFT
RETAIL UNIT (INCL GARDEN CENTRE)	2911	31335
LIDL FOODSTORE	2327	25050

N

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Architects are to be notified of any discrepancies.
Contractors must check all dimensions on site.
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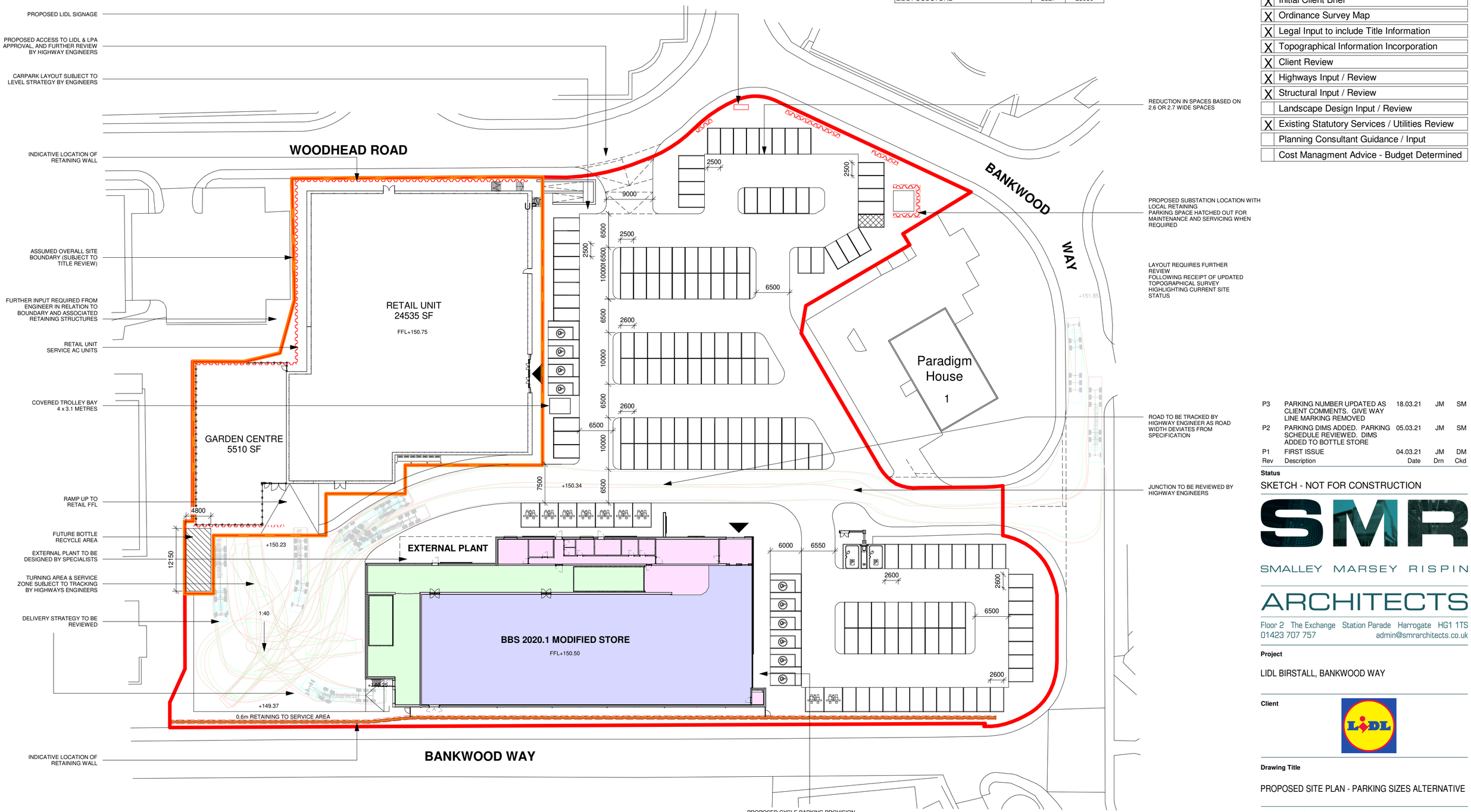
FEASIBILITY CHECKLIST

X	Initial Client Brief
X	Ordinance Survey Map
X	Legal Input to include Title Information
X	Topographical Information Incorporation
X	Client Review
X	Highways Input / Review
X	Structural Input / Review
	Landscape Design Input / Review
X	Existing Statutory Services / Utilities Review
	Planning Consultant Guidance / Input
	Cost Managment Advice - Budget Determined



Rev	Description	Date	Drn	Ckd
P3	PARKING NUMBER UPDATED AS CLIENT COMMENTS. GIVE WAY LINE MARKING REMOVED	18.03.21	JM	SM
P2	PARKING DIMS ADDED. PARKING SCHEDULE REVIEWED. DIMS ADDED TO BOTTLE STORE	05.03.21	JM	SM
P1	FIRST ISSUE	04.03.21	JM	DM

Status

SKETCH - NOT FOR CONSTRUCTION

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Project

LIDL BIRSTALL, BANKWOOD WAY

Client

Drawing Title

PROPOSED SITE PLAN - PARKING SIZES ALTERNATIVE

Proj Ref	Origin	Zone	Level	Type	Role	Num	Status	Rev
- - - 7404	- SMR	- 00	- DR	- DR	- A	- 8021	- S1	- P3

SMR Job Ref	Sheet	Scale	Drawn
7404-00-8021	A2	1 : 500	JM

Plans

Habitat Features Plan 12438/P01:

Bat Surveyor Locations Plan 12438/P02:

- Site Boundary
- Building
- Fence Line
- Hardstanding
- Rubble
- Introduced Shrub
- Mixed Plantation Woodland
- SI Poor Semi Improved Grassland
- Scattered Scrub
- Tall Ruderal
- Target Note (e.g. TN01)

N

0 0.25 0.5 m

Project	LIDL, Birstall
Drawing Title	Habitat Features Plan
Scale	As Shown (Approximate)
Drawing No.	13438_P01
Date	October 2020
Checked	AS/JD

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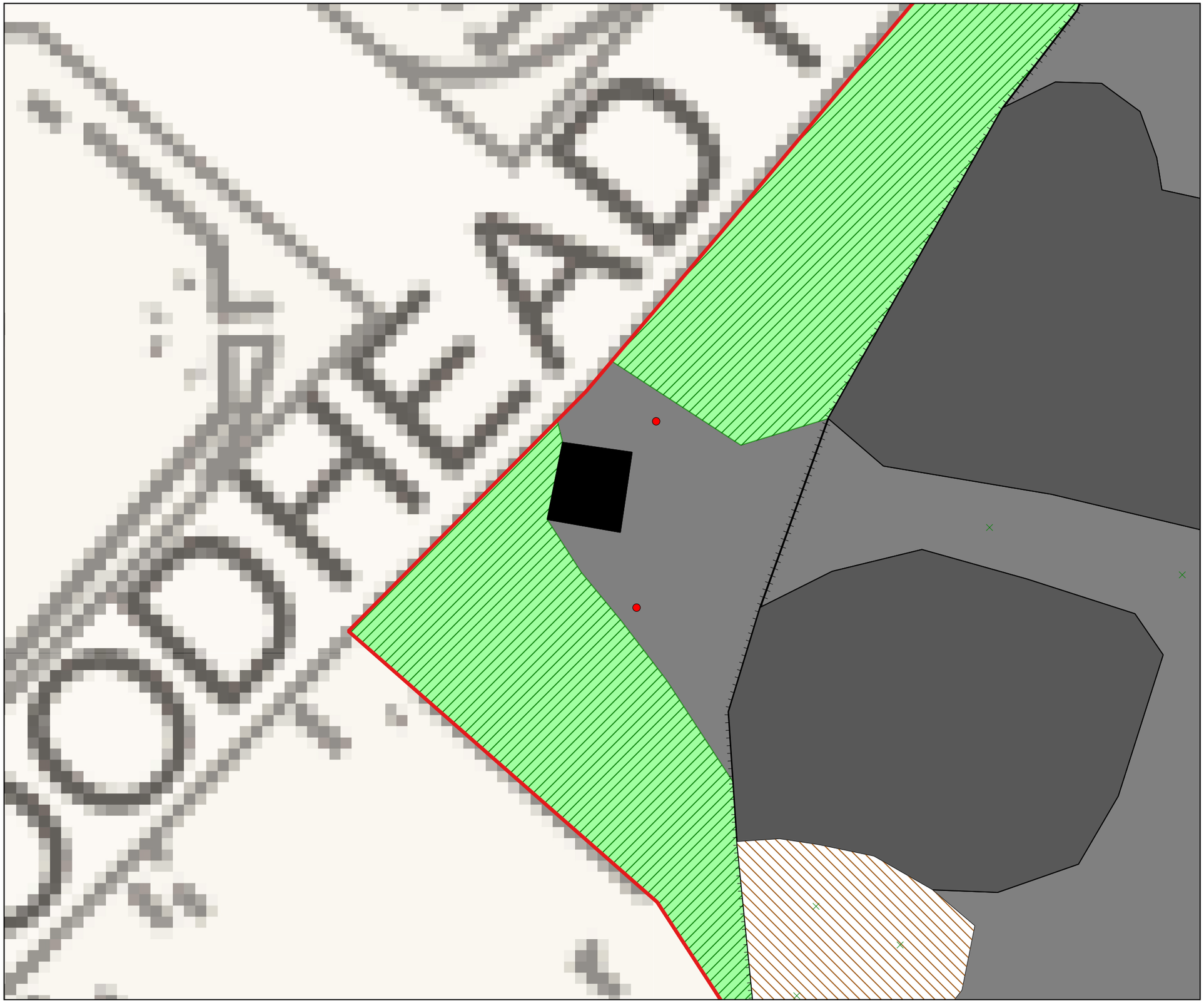

Site Boundary
Surveyor Location

N

0 0.25 0.5 m

Project	LIDL, Birstall
Drawing Title	Bat Surveyor Locations Plan
Scale	As Shown (Approximate)
Drawing No.	13438_P02
Date	October 2020
Checked	AS/JD

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