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Land off New Hey Road, Huddersfield

Ecological Assessment Report

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12033/P01a_JD

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Summary

S.2 The site measures approximately 1ha and is located in the far north-west of Huddersfield. The immediate environment comprises residential development to the north, east and west and school playing fields and parkland to the south. The site comprises a flat area of hardstanding and rubble (foundations of former pub building), derelict buildings and a sloped area of poor semi-improved grassland surrounded by broadleaf trees and also containing pockets of scattered and dense scrub.

- Potential effects to statutory and non-statutory conservation designations:
  a) None – all nature conservation sites within 2km 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:

  c) Bats: No trees have any bat roost potential and nocturnal roost survey of one of the buildings on site did not record any roosting bats in association with it; other buildings were considered to have **Negligible** bat roost potential;
  d) Birds: Potential for birds to nest within areas of scrub across the site;

S.4 To this end, mitigation for breeding birds and enhancement measures for roosting bats and breeding birds have been incorporated into the final landscape scheme for the site and it is considered that if these measures are implemented in full there would be no contravention of legislation or local/national planning policy.

Section 1: Introduction

Introduction

1.1 This report has been prepared by Tyler Grange Group Ltd. on behalf of LIDL UK GmbH. It sets out the findings of an extended phase 1 habitat survey, badger survey, preliminary bat roost assessment and nocturnal bat survey of land and buildings to the north of New Hey Road, Huddersfield – centred at approximate grid reference SE 10738 17803. This report has been produced to accompany a planning application for a new LIDL food store and associated car park facilities and infrastructure. The proposals for the site are shown in **Appendix 1**.

1.2 The site was previously subject to an extended phase 1 habitat survey and bat roost surveys by Witcher Wildlife Consultants Ltd in August 2016 in relation to a withdrawn residential planning application for the site. The results of the surveys conducted by Witcher Wildlife Consultants Ltd are provided in report 160712/Rev1, dated 5th August 2016. The results of these surveys will be referred to throughout this report, where appropriate.

1.3 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;
- 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 2**; and
- Identifies whether any further work is required to inform a future planning application.

1.4 This assessment and the terminology used are consistent with the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2018) and 'Guidelines for Preliminary Ecological Appraisals' (CIEEM, 2018).

1.5 Although ecological surveys within the site were conducted in 2019 to accompany the application, slight aesthetic alterations to the scheme were requested but do not materially change the assessments or conclusions in this report.

[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 2018).

Section 2: Methodology

Desk Study

2.1. The aim of the data search was to collate existing ecological records for the site and adjacent areas. Obtaining existing records is an important part of the assessment process as it provides information on issues that may not be apparent during a singly survey, which by its nature provides only a 'snapshot' of the ecology of a given site.

2.2. The data search was undertaken for a 10km radius around the site for European statutory sites, a 2km radius for national statutory and non-statutory sites and a 2km radius for protected and priority[2] species records.

2.3. The following organisations and individuals were contacted and, where relevant, the information provided has been incorporated with acknowledgement in this report:

- West Yorkshire Ecology Service were contacted for details of protected and priority species and non-statutory sites;
- The Multi-Agency Geographic Information for the Countryside website[3] was accessed for information on the location of statutory designated nature conservation sites within a 10km radius of the site and for water features within 500m of the site;
- Kirklee's Council website4 was consulted for details of relevant local planning policies and supplementary planning guidance; and
- UK Biodiversity Action Plan (UK BAP)5 and Kirklees BAP (LBAP) for priority habitats and species subject to conservation action, to assist with the evaluation of ecological features and to inform site enhancement strategies.

Extended Phase I Habitat Survey

2.4 An 'extended' Phase I habitat survey was undertaken on 4th January 2019 by Joseph Dance Grad CIEEM, an experienced field ecologist of 5 years. 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.

2.5 The weather conditions for the survey were overcast, with a light breeze, a temperature of 3°C, and no rain.

2.6. 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.

2.7. 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.

[2] UK priority species and habitats are those subject to conservation action and referred to as Species of Principal Importance (SoPI) or Habitats of Principal Importance (HoPI). They are listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act states that local planning authorities must have regard for the conservation of both SoPI and HoPI.
[3] www.natureonthemap.naturalengland.org.uk/MagicMap.aspx
[4] http://www.kirklees.gov.uk/beta/delivering-services/policies-and-strategies.aspx
[5] http://jncc.defra.gov.uk/page-5155

Preliminary Roost Assessment Survey and Endoscope Inspection

2.10. A preliminary roost assessment (PRA) of the Building B01 within the site was undertaken during the extended phase 1 habitat survey on the 4th January 2019 by Joseph Dance, who is appropriately experienced in conducting this type of survey. The building was subject to an external and internal inspection to assess the likelihood of use by roosting bats and to inform the need for further surveys and/or mitigation. The building was then categorised as providing negligible, low, moderate or high bat roost potential, in line with the current BCT guidelines[6].

2.11. Externally, the building was 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. The internal inspection comprised a thorough search for evidence of roosting bats (i.e. droppings, urine stains) and an assessment of the presence of potential roosting features internally.

2.12. Following the initial ground-based Preliminary Roost Assessment, all features considered suitable to support roosting bats on Building B01 were examined with an endoscope by Steven Coyne (Class 2 NE Bat Licence – 2015-14981-CLS-CLS) and Joseph Dance on the 14th of January 2019.

2.13. An additional preliminary roost assessment on Building B02 was undertaken on Friday 1st March 2019 by Joseph Dance, following the same methodology set out in Section 2.10. Internal access was not possible, so all assessments were made externally and through window/door openings where possible.

Detailed Nocturnal Roost Survey

2.14. One dusk emergence survey was undertaken in July 2019 (see **Table 2.1** for survey date and weather conditions). Survey effort was informed by best practice guidelines (Collins, 2016).

[6] Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

Survey	Buildings Covered	Date	Sunset / Sunrise Time	Weather Conditions		Temp °C		Start Time	End Time
				Start	End	Start	End		
Dusk	**B2a/B2b**	9th July 2019	21:35	Dry, no breeze, cloud 1/8 Oktas	Dry, gentle breeze, cloud 2/8 Oktas	18	17	21:20	23:05

Table 2.1: Dates and weather conditions of detailed bat roost surveys

2.15. Two surveyors were positioned around the buildings to provide adequate coverage of all suitable features. The surveyors used were Steven Coyne and Scott Brown, who are both appropriately experienced in conducting this type of survey. Surveyors used a combination of visual observation and echolocation detection to identify any bats emerging from or re-entering the building. BatBox Duet and Anabat Express bat detectors were used. The detectors record in both heterodyne and/or frequency division formats. BatScan® and Analook W software was used to analyse sonograms of any calls which could not be identified in the field. The location of surveyors is highlighted in drawing **12033/P02**.

2.16. In line with BCT guidelines, the dusk survey began 15 minutes before sunset and continued for a minimum of 1.5 hours after sunset.

Evaluation

2.17. The evaluation of habitats and species is defined in accordance with published guidance (CIEEM, 2016). 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.

2.18. 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

2.19. The extended phase 1 habitat survey was undertaken outside of the optimal survey period for identifying floral species. Optimal-season survey data was available via the previous survey undertaken by Witcher Wildlife Consultants Ltd, however, and it was considered that an experienced surveyor could still make an assessment on the broad habitats present within the site. This limitation is not, therefore, considered to have impacted on the assessments or conclusions made in this report.

2.20. Internal access was not possible into Building B02 due to it being locked in one half and unsafe to enter in the other. All assessments relating to the potential of the building to support roosting bats was, therefore, made externally or through window/door openings where possible. This is not considered to have altered the assessments or conclusions made in this report.

2.21. This report is based partly on 3rd party data from the local ecological record centre and ecological survey work undertaken by Witcher Wildlife Consultants Ltd. Tyler Grange Group Ltd. cannot vouch for the accuracy of this data.

Section 3: Ecological Features and Evaluation

Context

3.1. The site measures approximately 1ha and is located in the far north-west of Huddersfield and the immediate environment comprises residential development to the north, east and west and school playing fields and parkland to the south. The site comprises a flat area of hardstanding and rubble (foundations of former pub building), derelict buildings and a sloped area of poor semi-improved grassland surrounded by broadleaf trees and also containing pockets of scattered and dense scrub.

Protected Sites

Statutory Sites

3.2. A single Special Area of Conservation (SAC) is present within 10km of the site – the South Pennine Moors, which is designated for the presence of Annex I habitats (European dry heaths, blanket bogs and old sessile oak woods[7] and is located c.7km distant to the west at its closest point.

3.3. Two Special Protection Areas (SPA) are present within 10km of the site. These are the South Pennine Moors (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) and are located c. 7km distant to the west at the closest point (both follow the same boundary as the South Pennine Moors SAC).

3.4. The Peak District National Park is also present 7.2km to the south of the site.

3.5. No other statutory sites are present within 10km or 2km of the site.

Non-Statutory Sites

3.6. Only one non-statutory site was identified within 2km – Shaw Wood Local Wildlife Site (LWS), which is approximately 1.4km to the west of the site. It is designated for the presence of species-rich acid woodland and high bluebell *Hyacinthoides non-scripta* cover.

Habitats and Flora

Invasive Species

3.7. A small area of rhododendron *sp.* was recorded within the site (see **Photograph 1**) – for location see Target Note 01 (**TN01**) in the accompanying Habitat Features Plan **12033_P01a**. It could not be confirmed if this plant was one of the rhododendron species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

[7] http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?eucode=UK0030280 – accessed 7th January 2019.



Photograph 1) Rhododendron

3.8. The site supports the following habitats:

- Broadleaf trees;
- Buildings;
- Fence;
- Grassland (poor semi-improved);
- Hardstanding;
- Scrub (scattered and dense);
- Tall ruderal vegetation;
- Wall

3.9. For ease of reference, habitat types have been described alphabetically, below. All the features described are shown on the **Habitat Features Plan 11989 / P01a**.

Broadleaf Trees

3.10. The western boundary of the site comprised a row of early-mature to semi-mature broadleaf trees including species of ash *Fraxinus excelsior*, whitebeam *Sorbus aria*, rowan *Sorbus aucuparia*, sycamore *Acer pseudoplatanus*, elder *Sambucus nigra*, holly *Ilex aquifolium*, hawthorn *Crataegus monogyna* and goat willow *Salix caprea* – see **Photograph 1a**. Part of the western boundary of the site also comprised a line of semi-mature ash trees and this species was also present as saplings within the site, with evidence of felling of more mature trees – see **Photograph 1b** and for location see Target Note **TN06**.





Photograph 1a) left and 1b) right

Buildings

3.11. A single red-brick building was present along the eastern boundary of the site – Building B01 on drawing **12033_P01a**. It had a mono-pitched slate roof with missing windows/doors and was generally in poor condition; see **Photograph 2a** below. Another building (B02) was also present

along the eastern boundary of the site; it was a dilapidated garage building constructed of stone with a pitched stone-tile roof on one half and a decrepit flat roof section on the other half; see **Photograph 2b** below.

3.12. The remains of a timber building were also present in the east of the site – see Target Note TN07 in drawing **12033_P01a** and **Photograph 2c** below.

3.13. Additional descriptions in relation to the potential of these buildings to support roosting bats is provided in **Section 3.28-3.22** of this report. Excluding the importance of these buildings to roosting bats and nesting birds, this habitat type is of **negligible ecological importance.**





Photograph 2a) left and 2b) right



Photograph 2c)

Fence

3.14. A combination of post-and-wire, chain link, and wooden panel fencing was recorded both within and around the boundaries of the site. This habitat type is of **negligible ecological importance**.

Grassland (poor semi-improved)

3.15. This habitat type was present in the north and east of the site and was set on a southern-facing slope and disturbed area. The grassland had a thick sward and does not appear to have been subject to any obvious management. It contained cock's foot *Dactylis glomerata* (A), Yorkshire fog *Holcus lanatus* (A), creeping buttercup *Ranunculus repens* (O), common bent *Agrostis capillaris* (O), ribwort plantain *Plantago lanceolata*, chickweed *Stellaria media* (O), common couch *Elymus repens* (O), dove's-foot crane's-bill *Geranium molle* (LA, around margins), false-oat grass *Arrhenatherum elatius* (R), sorrel *Rumex acetosa* (R), fescue species *Festuca sp.* (R), tufted hair grass *Deschampsia cespitosa* (R) and shepherd's purse *Capsella bursa-pastoris* (R). This habitat type of importance at the **site level** only due to the generally low species diversity and would not qualify as a Local Biodiversity Action Plan (LBAP) habitat. See **Photograph 3** below.



Photograph 3) Poor semi-improved grassland

Hardstanding

3.16. This habitat type was present in the south of the site and comprised an area of tarmac, formerly used as a pub car park. The foundations of the former pub were also present in this area (see Target Note **TN02** for location). This habitat type is of **negligible ecological importance.**

Hedgerow

3.17. A short length of managed leylandii *Cupressus x leylandii* was present along part of the northern boundary of the site – see **Photograph 4** below. Although hedgerows are considered a Habitat of Principal Importance and are locally a BAP species, this particular hedgerow would not qualify under these criteria due to the short length, absence of connectivity to the wider landscape, non-native status and lack of species diversity. This habitat type is considered to be of **site ecological importance** only.



Photograph 4) Leylandii hedgerow

Scrub (dense and scattered)

3.18. Several areas of dense bramble *Rububs fruticosus agg.* scrub were recorded within the site, notably around the boundaries of the grassland – see **Photograph 5a**. An area of dense snowberry *Symphoricarpos albus* thicket was also recorded within the site – for location see Target Note **TN03** (see **Photograph 5b**). Dense scrub is identified as a LBAP Habitat and as such, this habitat within the site is considered to be of **local ecological importance**.

3.19. Scattered broom *Cytisus scoparius* was also present along the northern boundary of the site – see **Photograph 5c**. Small areas of native ornamental planting/garden escape shrubs were also present between the area of hardstanding car park and tall ruderal/grassland – see **Photograph 5d**. The species in these areas comprised elder, common box *Boxus sempervirens*, buddleia *Buddleja davidii* and wild privet *Ligustrum vulgare*.




Photograph 5a) left and 5b) right




Photograph 5c) left and 5d) right

3.20. The scattered scrub within the site is considered to be **important** at the **site level** only.

Tall Ruderal Vegetation

3.21. This habitat type was present within the site as areas of dense rosebay willowherb *Chamaenerion angustifolium,* great hairy willowherb *Epilobium hirsutum* and common nettle *Urtica dioica* – see **Photograph 6**. This habitat is considered to be important at the **site level**.



Photograph 6) Tall ruderal vegetation

Wall

3.22. Sections of stone wall were present around the boundaries of the site. This habitat is of **negligible ecological importance.**

Fauna

3.23. The faunal species or groups that have been considered in this appraisal are summarised below.

3.24. For ease of reference, descriptions of the fauna have been described alphabetically, below.

Amphibians

3.25. The data search returned many records of common toad *Bufo bufo* and common frog *Rana temporaria*, with two records of palmate newt *Triturus helveticus*. All of these records are at least 800m from the site, separated by residential development and road networks.

3.26. No water features were recorded within 500m of the site so the likelihood of GCN or significant populations of other amphibians being present within the site is negligible.

Bats

3.30. The data search returned 16 records of bat roosts within 2km of the site, comprising species of *Pipistrellus sp.*, common pipistrelle and unidentified bat species, the nearest of which is c. 650m from the site identified in 2000. The most recent roost record is from 2012 (small common pipistrelle roost) c. 1.8km distant. The data search also returned many records of 'field sightings' (commuting/foraging bats) within 2km, comprising whiskered bats *Myotis mystacinus*, Leisler's bat, *Nyctalus leisleri*, noctule bat *Nyctalus noctula*, *Pipistrellus* species bats, brown long-eared bat *Plecotus auritus* and unidentified bats.

3.31. The previous surveys completed by Witcher Wildlife Consultants Ltd did not record any roosting bats within the pub building (subsequently demolished) or in Building B02, which was previously assessed as providing **Low** bat roost potential. Building B01 was previously assessed as providing **Negligible** bat roost potential, based on the presence of solid walls, no loft void, an unlined roof and brickwork/masonry which was in good condition. No further surveys were completed on this building. During the dusk emergence surveys conducted on the other buildings within the site, generally low levels of incidental bat activity were recorded across the site, comprising very low levels of common pipistrelle *Pipistrellus pipistrellus* activity east-west across the site and north-south off-site along the lane present.

3.32. Building B01 is a disused, single-storey red-brick structure with a mono-pitched slate roof; see **Photograph 7a** below. The brickwork in the south-west corner of the building was completely missing and replaced with a sheet of plywood. All doors, windows and skylights were missing and consequently, the interior of the building is open to the elements, exposed to light and draughty; see **Photograph 7b** below. Internally, the roof was noted to be unlined and supported by timber rafters and joists.




Photograph 7a) left and 7b) right

3.33. Externally, the brickwork was in fair condition and comprised a double-skin layer of bricks with no cavity wall and with no opportunities for roosting bats, except for an area on the northern elevation (see **Photograph 7a**), where several bricks and areas of mortar were missing along the roofline and around the rotten timber frames. Endoscopic inspection of these features revealed them to be very shallow, exposed and unsuitable for roosting bats. No evidence of roosting bats was identified in association with these features. Due to the absence of potential roosting features and general unsuitable nature of the building, it was assessed as providing **Negligible** bat roost potential.

3.34. Building B02 is a disused, single-storey stone structure with half of the roof comprising pitched stone tiles (B02a) and the other half had a flat felt roof (B02b); see **Photograph 8a**. The southern aspect of the roof pitch was cluttered by adjacent tree canopies and the entire length of the southern elevation was blocked by an adjacent timber garden shed. There were numerous gaps in the masonry of the stonework, however, in missing mortar between stones and between the stones and roof tiles, particularly on the eastern elevation. No gaps in the masonry was noted on the northern elevation of the building and the majority of tiles on the northern pitch were covered with moss and shaded by overhanging tree canopies. No internal access was possible in the pitched section of the building.

3.35. The flat roof section (B02b) was constructed of a combination of breezeblock and stones, supported by rotten timber joists and part of the flat felt roof was missing, along with large window and door openings (see **Photograph 8b**).




Photograph 8a) left and 8b) right

3.36. Based on the observations above, due to the presence of a number of potential roost features for small numbers of crevice-dwelling bats (i.e. missing mortar, underneath tiles), building B02a was assessed as providing **Low** bat roost potential. No potential roosting features for bats were associated with B02b and this building section is assessed as having **negligible** bat roost potential.

3.37. All of the trees within and directly adjacent to the site were considered to provide **Negligible** potential for roosting as no potential roost features were observed in any of the trees surveyed.

3.38. In accordance with professional guidelines for buildings assessed as providing **Low** bat roost potential, a single nocturnal roost survey was recommended on the building and conducted in July 2019. The following section provides the results of the nocturnal survey.

Dusk Emergence Survey – Building B02a and B02b – 9th July 2019

3.39. **No bat roosts were recorded in association with Building B02 during this survey**. Incidental bat activity recorded throughout the survey comprised common pipistrelle commuting passes and foraging primarily around the area of scrub near to **Building B02** and along the lane to the east of the site. Common pipistrelle bats were also recorded foraging around the treeline in the northeast of the site and commuting east to west through the site in this location.

Birds

3.40. The desk study returned a large number of bird records including Red List[8], Amber List[9], NERC S41, Schedule 1[10] and LBAP (Kirklees) species. The majority of the species identified are not considered relevant to the site due to the absence of suitable breeding and foraging habitat, so they have been omitted from this report. Those species considered relevant to the site are:

- Linnet *Cardeulis cannabina* (Red List, NERC S41, LBAP);
- Bullfinch Pyrrhula pyrrhula (Amber List, NERC S41, LBAP);
- House sparrow Passer domesticus (Red List, NERC S41, LBAP);
- Dunnock Prunella modularis (Amber List, NERC S41, LBAP);
- Song thrush *Turdus philomelos* (Red List, NERC S41, LBAP)

3.41. The building, trees, dense scrub and hedgerow within and around the boundaries of the site were considered to provide potential nesting habitat for a narrow range of commonly encountered woodland birds. Due to the enclosed and sloped nature of the grassland within the site, this habitat unlikely to provide habitat of any importance for breeding birds.

Reptiles

3.42. Desk study returned a single record of an adder *Vipera berus* in 2008 c. 1.9km distant from the site. No suitable habitat connects the area of this record to the site.

The site provides suitable habitat for selected members of this species group (grass snake, common lizard and slow-worm) in terms of sheltering/hibernation amongst rubble/brash piles (for location[s] see Target Note **TN04**), basking (scrub/grassland interface) and foraging (shelter). The grassland in the site also slopes southwards, which would favour the thermal regime requirements of reptiles. The likelihood of reptiles being present within the site is, however, considered to be exceptionally low as;

[8] Red List – Birds of Conservation Concern, RSPB & BTO
[9] Amber List – Birds of Conservation Concern, RSPB & BTO
[10] Species listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), which are afforded additional protection whilst nesting.

the ground will have been subject to previous disturbance / modification during demolition of the pub and associated infrastructure and it is not suitably connected to adjacent suitable habitat due to the site being surrounded by residential development and roads to all directions. It is therefore not necessary to consider reptiles any further in this report.

Water Vole, White-Clawed Crayfish and Otter

3.43. There is no aquatic habitat within the site to support these species and they will not be considered further in this report.

Section 4: Considerations in Respect of Proposed Development

Proposed Development

4.1. The proposed works would require the loss of the majority of the grassland within the site, along with the areas of dense scrub and tall ruderal and building. The sapling trees within the site would also be lost but all boundary trees would be retained.

4.2. 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 2**.

Protected Sites

4.3. The statutory and non-statutory sites identified around the proposed development site are considered to be sufficiently distant to avoid any direct or indirect adverse impacts as a result of the proposed works. This is in line with Local Policy PPS9, NE3, NE4 and NE8a and there are no further considerations relating to the proposed development to this regard.

Habitats and Flora

4.4. All of the mature trees around the boundary of the site are scheduled to be retained in the developed site and this is in line with Local Policy NE9 (see **Appendix 2** for full details). Several ash saplings and individual elder trees would, however, require removal but this would not be in contrary to any Local or National Planning Policy. Individual saplings/shrubby trees (such as elder) are of low ecological importance and the provision of replacement scrub habitat within the site (which is a LBAP habitat) and provision of additional tree and wildflower planting would outweigh the proposed loss of trees.

4.5. The scrub habitat within the site is a LBAP habitat and accumulates to approximately 500m^2 in area. The proposals indicate the retention of land around the north, south and west of the proposed food store and this area measures approximately 2000m^2 in area. The detailed landscaping scheme for the site has suggested native species shrub planting and species-rich wildflower meadow planting interspersed with tree planting (for planting specifications see landscape proposals for the site in **Appendix 1**), which would provide a net gain in the amount of scrub planting, tree numbers and amount of wildflower planting – all of which would contribute towards providing a net gain in the biodiversity value of the site.

4.6. Climbers are also proposed along part of the retaining wall within the site, which would also provide valuable habitat to invertebrates and nesting birds (including song thrush – an LBAP species).

4.7. The rhododendron within the site should be cut in winter when the plant is not flowering, with all arisings taken off-site. Cut stumps should be treated with glyphosphate then followed by treatment with a foliar spray of any regrowth.

Fauna

Amphibians

4.8. Due to the absence of potential breeding habitat within the ZoI around the site, the likelihood of amphibian presence is considered to be negligible and there is no recommendation for further surveys or mitigation.

Bats

4.10. Building B01 and the trees within the site were assessed as providing **Negligible** bat roost potential and there are no constraints with regard to the proposed demolition/removal of these features.

4.11. Building B02 was, however, assessed as providing **Low** bat roost potential based on the presence of a number of features which could support small numbers of roosting bats on an intermittent basis (i.e. not suitable for prolonged use). In line with professional guidelines for buildings assessed as providing **Low** bat roost potential, a single nocturnal dusk emergence survey was completed on the building. This survey did not record any roosting bats in the buildings and as the survey was conducted in optimal season by a sufficient number of suitably experienced surveyors, sufficient confidence can be placed in this negative result to conclude the likely absence of roosting bats from **Buildings B02a** and **B02b**. The proposed demolition would not, therefore, have any constraints regarding roosting bats and there is no recommendation for further surveys, licensing or mitigation to this regard.

4.12. The proposals do, however, provide an opportunity to increase roosting opportunities for bats within the site through the provision of a bat box on a suitable retained tree. The final landscape plan for the site has incorporated this recommendation through the installation of three Schwegler 1FF bat boxes at different orientations (to maximise range of thermal micro-climates) on a retained tree on the north-eastern boundary of the site. The final positioning of the boxes will be decided by the on-site ecologist.

4.13. Low levels of bat activity were recorded within the site during the 2016 dusk surveys and there has been no change to the condition of the site since 2016 except for the demolition of the pub building. The species recorded, common pipistrelle and soprano pipistrelle, are both common and widespread.

4.14. The nocturnal survey completed in July 2019 reflected the results of the previous 2016 survey in that common pipistrelle bats were recorded commuting east-west through the site, briefly foraging and commuting along the lane to the east of the site. The lighting proposals for the site have retained a dark corridor along the northern boundary of the site and along the eastern boundary, where light levels are predicted at 0-1 lux (see **Appendix 3**). Bats will still, therefore, have dark corridors around the site to allow them to continue to use it as a commuting corridor off-site and along the northern boundary. In addition, the area proposed for wildflower and tree planting along the northern boundary will offer better value habitat than currently exists and this whole zone will remain unlit. The proposals also indicate the provision of a single Schwegler 1FF bat box (or equivalent) on a retained tree in the northeast corner of the site and it is recommended, to maximise suitability for roosting bats, that three of these boxes are installed on the tree to maximise opportunities for thermo-regulation. .

4.15. It is therefore considered that the proposals would not impact any identified commuting areas for bats and enhance the value of the site to foraging bats through wildflower planting and for roosting bats through the provision of a bat roost box.

Breeding birds

4.16. The proposals would only remove small amounts of habitat suitable for breeding birds, primarily the small areas of dense scrub, which is also a Local Biodiversity Action Plan Habitat. The landscape proposals for the site indicate the introduction of new scrub and shrub planting across the site, which would provide a net gain in the amount of this habitat available to nesting birds, particularly those of

conservation concern (i.e. song thrush and linnet). The proposed planting of climbers would also provide additional nesting habitat for birds.

4.17. The proposals also indicate the provision of three house sparrow nest boxes within the gabion retaining wall within the site and a starling nest box on a retained tree (for indicative locations and specifications see **Appendix 1**), which are both species of conservation concern.

4.18. Further details of each nest box are provided on the finalised landscape plan for the site, which can be seen in **Appendix 1.**

4.19. Clearance of all scrub should be timed to occur outside of the bird breeding season (March – August inclusive) wherever possible to avoid impacts on active nests. Where this is not possible, scrub clearance should be preceded by a check for nesting birds by a suitably experienced ecologist. If it transpires that clearance of the vegetation would disturb nesting birds, then affected areas would need to be left undisturbed until nesting is complete.

4.20. It is considered that there would be an overall enhancement in the value of the site for nesting birds as a result of the proposals if the landscape measures outlined in **Appendix 1** can be implemented in full.

Section 5: Conclusions

5.1. There is no recommendation for further surveys or mitigation for roosting bats as the range of surveys completed on the buildings within the site concluded the likely absence of roosting bats.

5.2. As summary, the mitigation and enhancement measures which have been incorporated within the landscape scheme and design for the site (see **Appendix 3**) are:

1. Provision of at least 350m^2 replacement scrub planting in retained areas of the site, along with areas of species-rich wildflower grassland and tree planting;

2. Provision of a nest box targeting starling on a suitable retained tree along the northern boundary of the site;

3. Provision of three nest boxes targeting house sparrow, integrated within the stonework of the gabion retaining wall to the north of the proposed store;

4. Installation of three Schwegler 1FF bat roost boxes (or equivalent) on a suitable retained tree within the site;

5. Sensitive lighting scheme to minimise impacts on foraging bats;

6. Sensitive timing of scrub removal to avoid the nesting bird season, or nesting bird checks within the nesting bird season;

7. The controlled eradication of rhododendron within the site; and

5.3. It is considered that if the mitigation and enhancement measures outlined in this report and in the landscape scheme are implemented in full, the proposals would be compliant with both local and national planning policy with regards to biodiversity and nature conservation.

References

Chartered Institute of Ecology and Environmental Management (2018). *Guidelines for Ecological Impact Assessment in the UK and Ireland*.

Joint Nature Conservation Committee (2010). *Handbook for Phase 1 habitat survey - a technique for environmental audit*. JNCC, Peterborough.

Appendix 1: Proposals

KEY:

(1) NEW 6m HIGH LIDL FLAGPOLE
(2) NEW ENTRANCE IN ACCORDANCE WITH HIGHWAYS CONSULTANT DESIGN/ DETAILS
(3) NEW SHEFFIELD CYCLE STAND
(4) RED LINE BOUNDARY LOCATION
(5) 1 X BIN
(6) PROPOSED HIGHWAYS WORKS IN ACCORDANCE WITH HIGHWAYS CONSULTANT DRAWING
(7) RETAINING WALLS - SEE BOUNDARY TREATMENT PLAN FOR MORE INFORMATION
(8) EXISTING BUILDINGS TO BE DEMOLISHED
(9) EXISTING GHOST ISLAND TO BE REMOVED AND REPOSITIONED
(10) 1 FEEDER UNIT AND 2 SPACES (RAPID CHARGERS)
(11) 2.4m x 43m VISIBILITY SPLAY
(12) REPURPOSED STONE WALL, REPAIRED WHERE NECESSARY AND AND IRON RAILING INFILL PANELS
(13) NEW ENTRANCE FEATURE PAVING

SOFT LANDSCAPING KEY:

PROPOSED NEW TREE

EXISTING TREE

EXISTING TREE TO BE REMOVED

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TITLE PLAN; YY110619

ARBORICULTURAL SURVEY:12484 SR Arboricultural Report at the former Spotted Cow, New Hey Road, Huddersfield

IN LINE WITH MODIFIED 2018.1 SPECIFICATION

SURVEY INFORMATION:
D224-001 June 2018 Landform Surveys
001/002 November 2014 Landform Surveys

N

0m 5m 10m 15m 20m 30m 40m 50m

Rev.	Date	Description	Drawn
AD	04.09.20	Site Plan updated inline with PS411 Site Plan Overlay	MJP
AC	30.10.19	1. Additional steps to plant area 2. Plant area updated to update door access, new route via delivery bay and new route via back of store 3. Gravel at rear added 4. Update engineer drawing incorporated 5. ECC Station added 5. Sight Lines added 6. Root Protection Area Trees to delivery bay area considered, solutions incorporated to divert from Root Protection Areas	LS
AB	22.07.19	Pedestrian walkway bollards removed and plant updated / visibility splay added Updated engineer's drawings added	AB/JBH LS

client
Lidl GB Ltd

project
New Hey Road, Huddersfield

drawing title
Proposed Site Plan

date	October 2018
status	Planning Issue
scale	1:500 @ A3
drawn	AB checked LS
job no.	1814 dwg no. P400 rev. AD

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Appendix 2: Legislation and Planning Policy

Appendix 2: Legislation and Planning Policy

A2.1. This section summarises the legislation and national, regional and local planning policies, as well as other reference documents, relevant to the baseline ecology results

Legislative Context

A2.2. 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 2017 (as amended);
- The Countryside and Rights of Way (CRoW) Act 2000;
- The Hedgerows Regulations 1997;
- The Protection of Badgers Act 1992; and
- The Natural Environment and Rural Communities Act (NERC) 2006.

A2.3. 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 2017 (as amended).

A2.4. 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.

A2.5. 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.

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

A2.6. 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.

A2.7. 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), July 2018

A2.8. The National Planning Policy Framework (NPPF) was published in July 2018 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.

A2.9. Paragraph 11 states that:

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

A2.10. Section 15 of the NPPF (paragraphs 170 to 177) considers the conservation and enhancement of the natural environment.

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

a) "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);

b) 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

c) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

A2.12. 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.

A2.13. Paragraph 174 states that in order to protect and enhance biodiversity and geodiversity, plans should:

a) "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

b) 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."

A2.14. When determining planning applications, Paragraph 175 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

a) *"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;*

b) *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;*

c) *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*

d) *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."*

A2.15. As stated in paragraph 176 the following should be given the same protection as habitats sites:

a) *"potential Special Protection Areas and possible Special Areas of Conservation;*

b) *listed or proposed Ramsar sites; and*

c) *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."*

A2.16. 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

A2.17. 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.

A2.18. 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).

A2.19. 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.

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

A2.20. The Kirklees Unitary Development Plan outlines the following policies which are applicable to Nature Conservation and this site:

PPS9 – replaces the following Local Plans, which were not saved by Kirklees Local Council: NE1, NE2, NE2A, NE7, NE8 and NE10

1 (ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment;

6) The most important sites for biodiversity are those identified through international convention and European Directives. Local Planning Authorities should identify these sites on proposals maps and may need to cross-refer to the statutory protection given to these sites…;

7) Many SSSIs are also designated as sites of international importance and will be protected accordingly;

8) Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI, planning permission should not normally be granted;

14) Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.

NE3

Development proposals within or in the vicinity of a SSSI will not normally be permitted unless there is an exceptional requirement for the development and measures will be taken to minimise any detriment to the site.

NE4

Development proposals which would affect a site of 'Wildlife Significance' will not normally be permitted unless provision can be made to maintain the site's role for nature conservation.

NE8a

Development which would be intrusive in views from within the peak district national park or have a harmful impact on views into the park, will not be permitted.

NE9

Development proposals should normally retain any mature trees within the application site. Where development is approved on sites containing mature trees no construction, including changes in

levels, drainage works and the formation of access roads will be permitted within the crown spread of the trees unless it can be demonstrated that satisfactory precautions will be taken to ensure their continued viability.

Biodiversity Action Plans

A2.21. 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.

A2.22. 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

A2.23. The following relevant habitats and species within Kirklees have specific action plans – detail is also given in this section as to how the development proposals would meet the objectives of the relevant action plans.

Habitat/Species	Objectives
Scrub	Maintain areas of scrub within a wider habitat mosaic; Protect sites against scrub loss; For all site management, consideration should be given to incorporating this transitional habitat if it does not already exist; Create the conditions for scrub habitat to develop as a strategy to allow wildlife to adapt to climate change The recommendations for scrub planting made in this report would ensure that there is no net scrub loss;
Linnet & Song Thrush	Scrub planting would ensure that these species have continued access to suitable nesting habitat in Kirklees.

Appendix 3: Lighting Scheme

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TITLE PLAN; YY110619

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ARBORICULTURAL SURVEY:12484 SR Arboricultural Report at the former Spotted Cow, New Hey Road, Huddersfield

TRACKING: EJSA 1814 07 Proposed Site Plan OPTION 5 paths update

IN LINE WITH MODIFIED 2018.1 SPECIFICATION

SURVEY INFORMATION:
D224-001 June 2018 Landform Surveys
001/002 November 2014 Landform Surveys

N

DEER CROFT CRESCENT

26

SUBSTATION

El Sub Sta

SALES AREA = 1,377 sq m
GIA = 2061 sq m
GEA (Ex. canopy) = 2142 sq m
GEA (Inc. canopy) = 2310 sq m

Utility
Chiller
Bakery
Freezer
Cust WC
IT Room
Welfare
Cloak room
WC
WC
Manager's Office
Storage
Entrance Lobby
5130

3
8
5
5
10
21
12
12
9

113 CAR PARKING SPACES
INC. 7 DISABLED, 2 ECC AND 8 P&C

rough grass

Track

398a
398c
398
396
400
402
394
386
357
353
351

0m 5m 10m 15m 20m 30m 40m 50m

Rev.	Date	Description	Drawn
G	04.09.20	Site Plan updated inline with PS411 Site Plan Overlay	MJP
F	30.10.19	1. Additional steps to plant area 2. Plant area updated to update door access, new route via delivery bay and new route via back of store 3. Gravel at rear added 4. Update engineer drawing incorporated 5. ECC Station added 5. Sight Lines added 6. Root Protection Area Trees to delivery bay area considered, solutions incorporated to divert from Root Protection Areas	LS
E	22.07.19	Pedestrian walkway bollards removed and plant updated	AB
D	10.07.19	Updated in line with dwg. SK09	JBH
C	20.06.19	Added bollards to pedestrian walkways in carpark, update to site boundary, added 1 parking space, updated annotations	JBH
B	05.06.19	Minor update	LS
A	28.05.19	Updated in line with P414	LS

client
Lidl GB Ltd

project
New Hey Road, Huddersfield

drawing title
Proposed Lighting Plan

date April 2019
status Planning Issue
scale 1:500 @ A3
drawn RT checked LS
job no. 1814 dwg no. P413 rev. G

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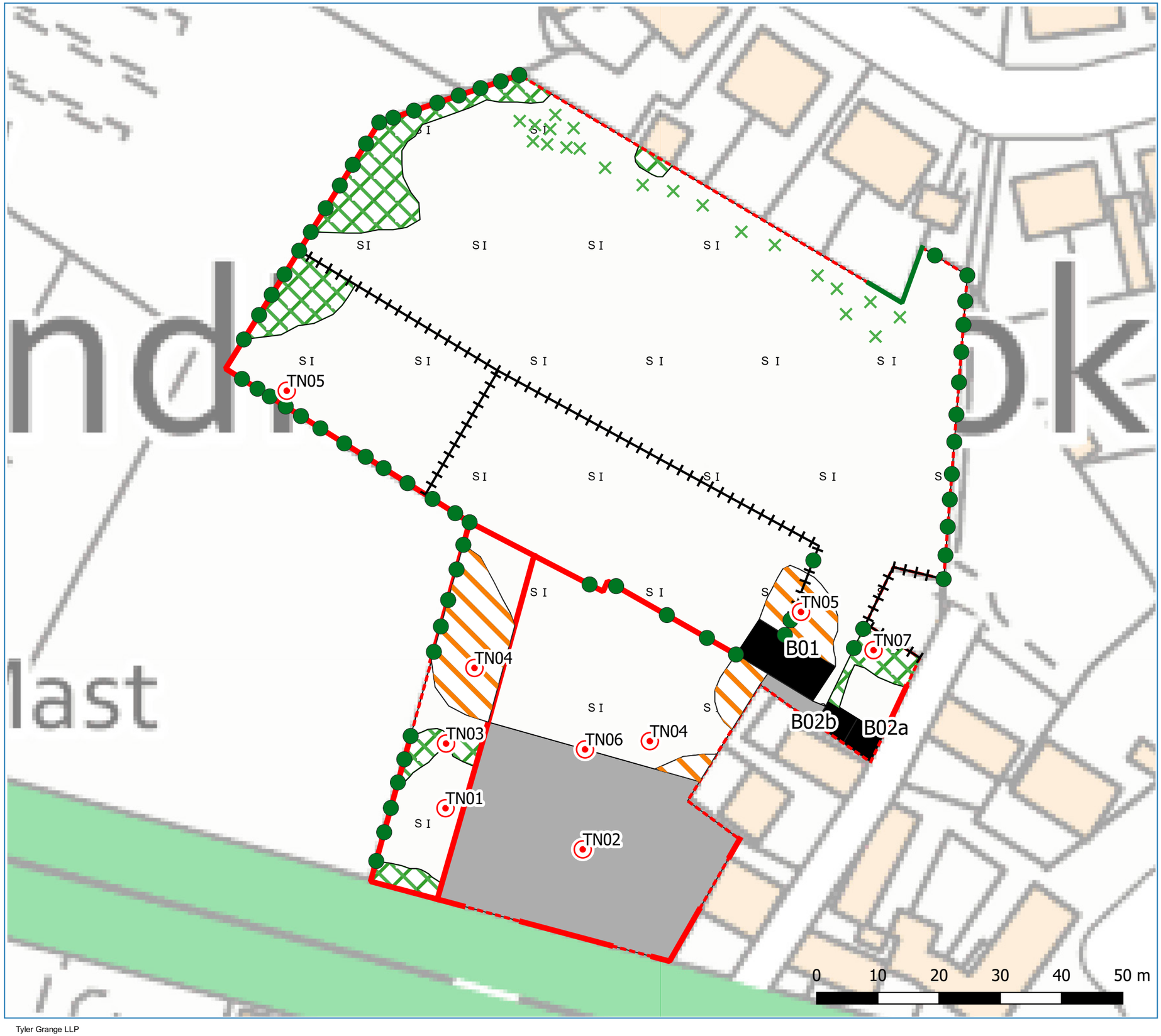
Plans

Habitat Features Plan
12033/ P01a JD

Surveyor Location Plan – Nocturnal Bat Surveys
12033/P02



- Site Boundary
- Broadleaf Trees
- Building
- Fence
- Grassland (Poor Semi-Improved)
- Hardstanding
- Hedgerow
- Target Note
- Scrub (Dense)
- Scrub (Scattered)
- Tall Ruderal Vegetation
- Wall

N

Project	Land off New Hey Road, Huddersfield
Drawing Title	**Habitat Features Plan**
Scale	As Shown (Approximate)
Drawing No.	12033/P01a
Date	March 2019
Checked	JD/JM

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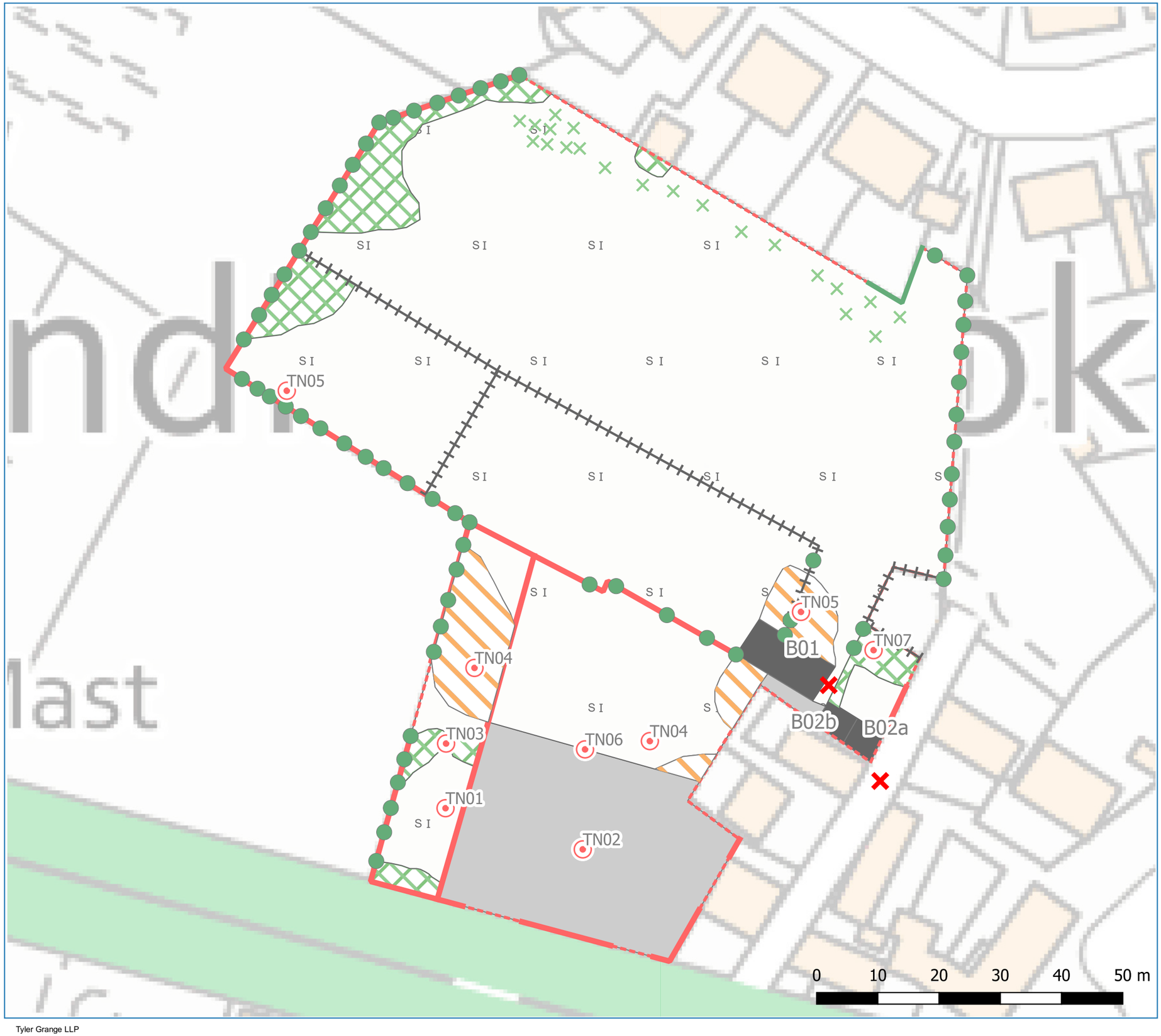

N

Project	Land off New Hey Road, Huddersfield
Drawing Title	**Surveyor Location Plan - Nocturnal Bat Survey**
Scale	As Shown (Approximate)
Drawing No.	12033/P02
Date	July 2019
Checked	JD/JM

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