

## Consultation Response: Kirklees Council Conservation & Design (Biodiversity)

<i>Is this a response to an informal consultation request?</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>Date</b>	16/05/2017
<b>Officer responding</b>	Tom Stephenson
<b>Application number</b>	2016/91055
<b>Purpose</b>	Supplementary consultation response
<b>Location</b>	Dene Bottom, Kirkburton, Huddersfield, HD8 0PP

### ***Assessment and Recommendation***

Further to my previous consultation response, and in light of the constrained timescales of the development program, I am willing to consider conditioning of the additional survey.

The layout of the scheme provides opportunities to include bat boxes as mitigation for any roost identified, which would allow the maintenance of the favourable conservation status of any crevice roosting bat species at the site. Natural England is likely to grant a licence, if required, based on use of bat boxes/features as mitigation. Conditions securing implementation of the mitigation hierarchy, as far as possible, are suggested below.

The scheme currently does not provided any ecological enhancement, and therefore does not fulfil the objectives of paragraph 109 and 118 of the National Planning Policy Framework. In order for the development to be acceptable under this policy I have suggested an appropriate condition below.

### ***Suggested Condition(s)***

1. No development shall take place (including any internal or external works associated with the structures) until further ecological surveys following national good practice guidelines and sufficient to investigate a building of 'moderate' suitability for bats, has been submitted to and approved in writing by the local planning authority.

Reason: to ensure compliance with the local planning authority's duties under the Conservation of Habitats and Species Regulations 2010 and the Natural Environment and Rural Communities Act 2006, and to identify any possible impacts to European Protected Species and a possible need for mitigation.

2. Where the survey required under **condition X** indicates the presence of a bat roost(s), no development shall take place (including any internal or external works associated with the) until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
  - a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: to ensure, in the case of presence of European Protected Species, that the development can proceed without impacting the favourable conservation status of the species present, and so comply with the local planning authorities statutory duties under the Conservation of Habitats and Species Regulations 2010 and relevant case law.

3. Where the survey required under **condition X** indicates the presence of a bat roost(s), no demolition shall commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: to ensure the proposed works do not result in a criminal offence under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2010 (as amended).

4. No development shall take place until an ecological design strategy (EDS) addressing the need for ecological enhancement, over and above the any measures required for ecological mitigation, has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.

- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: to secure the ecological enhancement measures outlined in the submitted ecological report and in accordance with Chapter 11 of the National Planning Policy Framework and the LPA's 'biodiversity duty' under section 40 of the Natural Environment and Rural Communities Act 2006.

### ***References***

**There are no sources in the current document.**