

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

<b>Date</b>	06/10/2016
<b>Officer responding</b>	Tom Stephenson
<b>Application number</b>	2016/92664
<b>Purpose</b>	Review of submitted ecological information, pre-determination
<b>Location</b>	Oak Mill, Cliff Hollins Lane, East Bierley, BD12 7ER

### **Assessment**

I have reviewed the submitted bat survey report in relation to the proposed indicative layout. The report appears to provide an accurate and truthful description of the habitats present on site and their value in respect of roosting and foraging bats. No bats were recorded roosting on site, although there high levels of bat foraging activity, including records of Nathusius' pipistrelle, which is a rare species in the UK, and therefore of importance to nature conservation.

The bat activity survey have been undertaken at an appropriate time of year and the number of survey visits is sufficient in in relation to best practice guidance (Collins, 2016). Weather conditions were suitable for the surveys undertaken.

It is noted from the report that each survey was undertaken by two surveyors, however no information has been provided regarding the locations of the surveyors during the survey or the target area of the survey. **More information is needed to determine if the survey effort is suitable for establishing presence or likely absence of bats.**

If bats are found to be present the Council has a duty to ensure that the three 'derogation tests' can be met in determining the planning application, and therefore that a licence is likely to be granted by Natural England.

The derogation tests are set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2010, and are:

1. A licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
3. The appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

### ***Recommendation***

Currently there is insufficient information to determine if the proposals will pass the derogation tests above, therefore I recommend deferring any decision until this information can be provided.

Assuming this information and be provided and supports the assessment of the bat report, a number of conditions will be required to ensure impacts to bats are avoided during construction, that the post development site and immediately adjacent habitats (Hunsworth Beck) remain suitable for foraging bats, and that appropriate ecological enhancement can be secured.

### ***References***

Collins, J. (Ed.). (2016). *Bat Survey for Professional Ecologists: Good Practice Guidelines* (3 ed.). London: The Bat Conservation Trust.