

Consultation Response: Kirklees Council Conservation & Design (Biodiversity)

Date	09/01/2017
Officer responding	Tom Stephenson
Application number	2016/94117
Purpose	Review of submitted ecological information, pre-determination
Location	Land off Lees Hall Road, Dewsbury

Assessment

The submitted ecological report does not assess the ecological impacts of any proposed layout, and furthermore has not determined the level of use by roosting bats, other than to identify some bats are roosting in various farm buildings and that the majority of buildings have high potential to support roosting bats.

From the information supplied it is not possible to determine if the 'favourable conservation status' of bats will be maintained, as potential impacts have not been fully described, nor means of mitigation proposed. I disagree with the statement made in section 5.3 of the report that "*If the above can be achieved [an appropriate lighting design, sensitive to bats], then there would be no grounds to treat bats as a material consideration during determination of the planning application*". In fact, foraging and roosting bats are present within the site, and therefore by definition are a material consideration. Demolition of the farm buildings, which is proposed but not considered in the ecological report, would likely result in an impact to bats significant at a local level and this is not consistent with the maintenance of favourable conservation status, unless adequate mitigation is proposed.

If the proposals include demolition of any building identified as high potential to support roosting bats then full survey will be required prior to determination.

Demolition of the buildings may well be possible, but details of how this will be mitigated has not been provided and this cannot be determined unless further survey is undertaken in relation to the status of roosting bats within the farm buildings.

Other potentially significant ecological effects relate to the loss of hedgerows (a habitat of principle importance under NERC Act 2006), and subsequent impacts to breeding and wintering birds, hedgehog and bat foraging habitat. The information submitted is sufficient to determine the nature of impacts in relation to these ecological features.

Recommendation

Based on the current level of information I cannot support a proposed layout that includes demolition of the buildings. However, the supplied information and assessment is sufficient to support the use of part of the site (excluding the existing buildings) for residential development.

I have suggested conditions below intended to ensure any reserved matters application is based on relevant data, and that any necessary measures for ecological mitigation and/or enhancement are included. Additional conditions securing a lighting design strategy and/or measures to avoid ecological impacts during construction may also be required as part of any reserved matters permission.

Suggested Condition(s)

1. No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement 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 protection and enhancement measures outlined in the submitted ecological report, and any requirement that arises due to further ecological investigation/survey, 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.

2. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure all adverse ecological impacts of construction of the scheme that cannot be avoided or mitigated are compensated for within the final design, and that all habitats created as mitigation or enhancement are managed in an appropriate manner thereafter, in order to ensure the approved scheme is acceptable under the requirements of Chapter 11 of the National Planning Policy Framework.

3. Prior to occupation, a “lighting design strategy for biodiversity” for the whole site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - j) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: to ensure any existing or replacement bat roosts and important bat foraging habitats are accessible to the widest range of species, and so avoid offences under the Conservation of Habitats and Species Regulations 2010 (as amended) and to accord with the requirements of Chapter 11 of the National Planning Policy Framework.

References

There are no sources in the current document.