

Consultation Response: Kirklees Council Conservation & Design (Biodiversity)

<i>Is this a response to an informal consultation request?</i> Yes ☐ No ☒	
Date	19/07/2017
Officer responding	Tom Stephenson
Application number	2017/92175
Purpose	Initial consultation response
Location	1060, Halifax Road, Hartshead Moor, Cleckheaton, BD19 6PE

Assessment and Recommendation

There are several ponds within 500 m of the site and great crested newts have previously been recorded within the vicinity of the site. Ecological survey information will be required to determine this application.

General advice is provided below to guide the applicant in providing this information. The information will need to be compiled by an appropriately qualified ecological consultant.

General Advice

The process outlined below is described in detail in *BS42020:2013 Biodiversity - Code of practice for planning and development* (BSI, 2013).

Proportionality

According to current guidance (CIEEM, 2015), ecological reports “*should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development*”. The Council will take the need for proportionality into consideration when reviewing ecological information provided in support of an application. However, the need for a proportional reporting format does not negate the importance of providing sufficient information to allow the council to perform its statutory duties.

A summary of the information required, and the policy behind these requirements, is provided below and ecological reports must be sufficient to fulfil this purpose. It is however appropriate to alter the structure and level of detail in reports in proportion to the scale of a development and complexity of potential impacts. It may also be appropriate to alter the scope to consider, with justification, a smaller number of species or species groups in detail. For example, it is common for reports supporting smaller developments to consider only bats, however the level of detail provided must still be consistent with that specified in the relevant guidance, as outlined below.

Mitigation and enhancement measures should also be proportional to the development proposals. However, mitigation in particular must be sufficient to ensure a development does not result in significant ecological effects.

Preliminary Ecological Appraisal

Ecological consultants will often produce a Preliminary Ecological Appraisal (PEA) report. These reports are usually informed by an extended Phase 1 habitat survey and consultation

with the appropriate record centre, e.g. West Yorkshire Ecology and/or West Yorkshire Bat Group.

The primary purpose of these reports is to inform the design stage of a development, and to determine if further survey or mitigation is required. These reports are not intended to provide an assessment of the likelihood of significant ecological impacts (unless the habitats present are clearly not of ecological value) or describe detailed mitigation recommendations. Therefore, if the PEA recommends further survey this survey will need to be undertaken, and details of the findings submitted to the Local Planning Authority.

Preliminary Ecological Appraisals are only suitable for supporting a planning application where no further survey is needed and the report indicates that the development will not result in significant ecological effects. Where there is potential for significant ecological effect, i.e. because the site may support features of significant ecological value, then an Ecological Impact Assessment will be required.

Relevant guidance documents are *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2013) and *Guidelines for Ecological Report Writing* (CIEEM, 2015).

Ecological Impact Assessment

The information supplied in support of any planning application will need to allow the Council to determine if the proposals will result in significant ecological effects. Unless the site supports no features of significant ecological value, and the proposals will not affect designated wildlife sites in the wider landscape, ecological consultants should produce an Ecological Impact Assessment (EclA) report to support planning applications. Other ecological report types may be rejected, resulting in significant delays to determination.

Unlike a PEA the standard content of an EclA includes an evaluation of the importance of ecological features, assesses the significance of any effects on these features and suggests means by which these effects can be mitigated. The guidelines (CIEEM, 2016) suggest using a geographic frame of reference to evaluate the importance of ecological features, and the significance of ecological effects.

Any potentially significant ecological effects will need to be avoided, mitigated or compensated for. This is known as the 'mitigation hierarchy' and the preference is for impact avoidance where possible, with compensation used as a last resort only. The reporting should clearly show how this can be achieved.

The importance of this process of evaluation, assessment and application of the mitigation hierarchy is set out in the National Planning Policy Framework (NPPF) (DCLG, 2012), which demonstrates that if the development is considered to result in significant ecological effects this is sufficient grounds for refusal of an application. Relevant text from the NPPF is provided below:

118. *When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm 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;*

The assessment should, unless otherwise justified, cover all species typically considered as part of an EclA. Current guidance (CIEEM, 2015) sets out a list of minimum relevant species/species groups for consideration, which are:

- Plants
- Invertebrates
- Amphibians
- Reptiles
- Birds
- Bats
- Badgers
- Other mammals

Biodiversity Enhancement

The NPPF also indicates that development should, where opportunities exist, provide biodiversity enhancements. Relevant text from the NPPF is:

109. *The planning system should contribute to and enhance the natural and local environment by:*

- [...];
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

And,

118. *When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- [...];
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*

It will therefore be appropriate for the proposals to incorporate some form of biodiversity enhancement. Enhancement should be appropriate to the ecological context of the site, proportional to the scale of development and over and above measures required to mitigate for any significant ecological impacts.

References

- BSI. (2013). *BS42020:2013 Biodiversity - Code of practice for planning and development*. London: British Standards Institute.
- CIEEM. (2013). *Guidelines for Preliminary Ecological Appraisal*. Winchester, Hampshire: Chartered Institute of Ecology and Environmental Management.
- CIEEM. (2015). *Guidelines for Ecological Report Writing*. Winchester: Chartered Institute of Ecology and Environmental Management.
- CIEEM. (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal*. Winchester: Chartered Institute of Ecology and Environmental Management.

DCLG. (2012). *National Planning Policy Framework*. London: Department for Communities and Local Government.