

## Consultation Response:

### Kirklees Council Conservation & Design (Biodiversity)

|                                                                                                                                    |                                                               |
|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <i>Is this a response to an informal consultation request?</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |                                                               |
| <b>Date</b>                                                                                                                        | 07/02/2018                                                    |
| <b>Officer responding</b>                                                                                                          | Tom Stephenson                                                |
| <b>Application number</b>                                                                                                          | 2018_90032                                                    |
| <b>Purpose</b>                                                                                                                     | Review of submitted ecological information, pre-determination |
| <b>Location</b>                                                                                                                    | 1, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9EP         |

### *Assessment*

The submitted bat survey report indicates that the building proposed for demolition has moderate potential to support roosting bats. Further survey is therefore required.

I would consider that the proposal have capacity to include mitigation measures sufficient to maintain the favourable conservation status of bats within the immediate area. Therefore Natural England is likely to grant a licence for the proposals, should roosting bats be found as a result of the further survey.

### *Recommendation*

No objection provided the following conditions are included verbatim. These conditions are required to discharge the LPS's duties in relation to European protected species. If you feel these conditions are unsuitable for any reason please re-consult.

### *Suggested Condition(s)*

1. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of 'moderate' suitability for bats (i.e. two survey visits) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the local planning authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: this is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts, and consequently result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

2. Where the survey required under **condition 1** confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the local planning authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. 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);

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

Reason: this is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of policy PLP 30 and a prerequisite in order to obtain the appropriate protected species licence.

3. Where the survey required under **condition 1** confirms the presence of a bat roost(s), no development shall take place in any circumstances unless the local planning authority has been provided with either:
  - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
  - b) written confirmation of Site Registration under the Low Impact Bat Class Licence;
  - c) 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: this is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017.

## *References*

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