

Consultation Response (Biodiversity)

Kirklees Council Conservation and Design Team, Biodiversity Officer

<i>Major scheme consultation response</i>		For office use
Date of response	24/07/2018	<i>Is this a response to an informal consultation request?</i> Yes ☐ No ☒
Location	land off, Netherley Drive, Marsden, Huddersfield, HD7 6HL	
Application number	2018_92216	
Responding officer	Tom Stephenson	

Adequacy of ecological information

No ecological information has been submitted.

Consultation with statutory bodies

The proposals exceed thresholds within Natural England's SSSI Impact Risk Zones, which highlight potential impacts to the Dark Peak and South Pennine Moors Sites of Special Scientific Interest. Therefore Natural England should be consulted on this application.

The Impact Risk Zones also trigger screening for likely significant effects on the nearby European protected sites. This screening has identified likely significant effects and the need for Appropriate Assessment under regulation 63 of the Conservation of Habitats and Species Regulations 2017. Consultation with Natural England is also required as part of the Appropriate Assessment.

In order to avoid consulting Natural England twice for the same proposal I have not sent a consultation request at this time. This is to enable the applicant the opportunity to provide supporting ecological information as described below.

Further information requirements

In order to allow the proposals to be assessed under relevant policy and legislation the applicant should engage a suitable qualified ecologist to undertake a Preliminary Ecological Appraisal (PEA) in accordance with national guidelines. This work will determine the potential for significant ecological impacts, identify opportunities for ecological enhancement and determine if further survey is required. The results of the PEA, and any additional survey identified as necessary, should be used to prepare an Ecological Impact Assessment (EclA) (CIEEM, 2016) to support the planning application.

The body of guidance issued by the Chartered Institute of Ecology and Environmental Management (CIEEM) makes it clear that planning applications should only be supported by an EclA, but identifies situations in which the supporting EclA can be based solely on information collected as part of a PEA (paragraphs 3.14 and 3.15 of CIEEM, 2017). A Preliminary Ecological Appraisal Report (PEAR) is unlikely to be sufficient to support the application and submission of a PEAR may result in unnecessary delays while the additional detail is prepared.

Note that CIEEM guidance makes a distinction between Preliminary Ecological Appraisal, i.e. broadly the process of collecting relevant information and reaching conclusions about design implications, and Preliminary Ecological Appraisal Reports, i.e. a report produced to advise the developer/applicant about any further survey requirements and design implications.

In addition to the supporting information described above, the applicant will need to submit detailed bird survey information to enable the LPA to undertake the Appropriate Assessment. Standardised survey methods for this purpose are currently being developed. It is therefore essential that the applicant, or the applicant's ecologist, agrees a detailed survey scope with the Council in advance of any survey work commencing. Any survey will need to be undertaken at an appropriate time of year, the earliest opportunity for which will be spring 2019.

Advice to planning officer

As no ecological information has been submitted it is not possible to assess the proposals against policy PLP 30 or to discharge the LPA's statutory duties in relation to protected species.

In the absence of any ecological information I object to the proposals and advise that the LPA would be in breach of regulation 63 of the Conservation of Habitats and Species Regulations 2017 if consent were to be granted at this time.

Please note that the presumption in favour of sustainable development (para. 14 of the NPPF) does not apply where Appropriate Assessment is required.

If the applicant wishes to pursue the application, either with or without supporting ecological information, then consultation with Natural England is required.

References

CIEEM, 2016. *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal*. 2nd ed. Winchester: Chartered Institute of Ecology and Environmental Management.

CIEEM, 2017. *Guidelines for Preliminary Ecological Appraisal*. 2nd ed. Winchester: Chartered Institute of Ecology and Environmental Management.