

Consultation Response (Biodiversity)

Kirklees Council Conservation and Design Team, Biodiversity Officer

<i>Minor scheme consultation response</i>		For office use
Date of response	23/08/2018	Is this a response to an informal consultation request? Yes ☒ No ☐
Location	land off, Netherley Drive, Marsden, Huddersfield, HD7 6HL	
Application number	2018_92216	
Responding officer	Tom Stephenson	

Adequacy of ecological information

Further to my previous response, I have reviewed the submitted Preliminary Ecological Appraisal (PEA), which was in fact submitted along with the application and filed as confidential.

In relation to the specific issue of the possible presence of Golden Plover, which is a qualifying feature of the South Pennine Moors SPA (Phase 1 and Phase 2), the assessment presented in the report has not taken account of the 'precautionary principle' required by the Habitats and Birds Directives. Particularly where records of SPA qualifying species exist in such close proximity to a site with suitable habitat, the precautionary principle would dictate that survey to determine the presence or absence of SPA birds is undertaken. I appreciate that the habitats present are unsuitable for foraging twite, however, in addition to golden plover, this bird survey will also need to identify any use of the site by foraging curlew.

Due to the nature of the habitats on site and the scale of the proposals, assuming that additional survey for SPA birds is provided in addition, I am satisfied that the PEA will provide sufficient information to support the application. However, additional conditions may be required to secure ecological mitigation and enactment measures.

Consultation with statutory bodies

As per my previous consultation response, consultation with Natural England will be required. This consultation will be undertaken as part of the Appropriate Assessment.

Further information requirements

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

The proposals do not provide any ecological enhancement measures. These could be provided through measures such as native planting, etc. Such detail could be secured through a condition for an Ecological Design Strategy.

In relation to SPA birds, additional survey information is required to complete an Appropriate Assessment. If the applicant is unwilling to undertake this survey I will undertake the Appropriate Assessment without this information and approach Natural England for comments. Please note that

it is highly unlikely that any Appropriate Assessment completed without bird survey information will reach a conclusion of no adverse impact on integrity, and that it would be unlawful for the LPA to grant permission in this instance.