

DCAdmin

From: Sam Jackman
Sent: 14 December 2018 12:49
To: DCAdmin
Subject: FW: 65 Rowley Lane 2018/93003

From: Tom Stephenson
Sent: 14 December 2018 12:42
To: Sam Jackman <sam.Jackman@kirklees.gov.uk>
Subject: RE: 65 Rowley Lane

Sam,

Having reviewed the bat survey report I agree with the recommendations for further survey and advise that these are secured, along with any necessary mitigation, through the following conditions. Assuming these conditions are used I have no objection to the proposals.

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 'low' suitability for bats (i.e. one visit) 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. The protection of priority species is a requirement of policy PLP 30.

2. Where the survey report required under **condition X (survey and report)** confirms the presence of bat roost(s) within the structure, no development shall take place until a method statement containing details of suitable replacement bat roost(s) and/or measures to avoid impacts to roosting bats and their roosts 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. conservation objectives of 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. number and location of replacement roost(s) shown on appropriate scale maps and plans (where relevant);
 - d. extent and location of proposed mitigation measures, other than replacement roost(s), shown on appropriate scale maps and plans (where relevant);
 - e. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - f. persons responsible for implementing the works;
 - g. 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 method statement required under **condition X (method statement)** cannot demonstrate complete avoidance of impacts to roosting bats or bat roosts, no development shall take place in any circumstances unless the local planning authority has been provided with either:
- h. 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;
 - i. written confirmation of Site Registration under the Low Impact Bat Class Licence;
 - j. a statement from a suitably qualified ecologist, agreed in writing by the Local Planning Authority, to the effect that suitable measures are in place to ensure the development can proceed without resulting in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

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.

Regards,

Tom Stephenson MCIEEM

Biodiversity Officer

Kirklees Council

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