

Consultation Response (Biodiversity)

Kirklees Council Conservation and Design Team, Biodiversity Officer

<i>Minor scheme consultation response</i>		For office use
Date of response	16/01/2019	Is this a response to an informal consultation request? Yes ☐ No ☒
Location	Edgeworth, Main Gate, Hepworth, Holmfirth, HD9 1TJ	
Application number	2018_93988	
Responding officer	Tom Stephenson	

Assessment

A Preliminary Ecological Appraisal report has been submitted. As the application is in outline only with all matters reserved, and due the extent of the site and nature of the habitats present, this report is sufficient to support the application. However, the information submitted suggests the presence of a bat roost in the loft space of the existing house, which will require further survey.

A Natterer's bat (*Myotis nattereri*) roost has been recorded in the near vicinity of the site, suggesting that this species may be roosting within the buildings on site. Natterer's bat is a rarer species within England (Wray, et al., 2010) and tend to emerge late/return to roost earlier than some of the commoner species (Collins, 2016), which has a bearing on the design of the necessary surveys.

The loss of a Natterer's bat roost would constitute a significant ecological effect. However, because the application is for number of units only, the scheme has the capacity to include mitigation for the loss of bat roosts provided the design is informed by an appropriate suite of surveys. Surveys and any necessary mitigation can be secured using the conditions suggested below.

The site includes a mature sycamore with low bat roost potential. This is an important ecological feature and should be retained in future proposals.

Notwithstanding the potential for the presence of a roosting bats, and excluding the mature sycamore, the remaining habitats of site are not classed as ecologically important. Therefore, there is potential for future development for three residential units to provide a biodiversity net gain. A condition has been suggested below to secure this.

Advice to planning officer

Providing the following conditions are included in any permission, which will secure consideration of biodiversity in future proposals based on appropriate survey, I have no objection.

Suggested conditions

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 'high' suitability for bats (i.e. three 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 and be suitable for determining the presence or likely absence of bat species that typically emerge from roosts late and return to roosts early.

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:
 - 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 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.

4. Plans and particulars of the Reserved Matters of Landscaping and Layout shall include an ecological design strategy (EDS) based on up-to-date ecological survey information (no older than two appropriate survey seasons prior to submission), which will be submitted to the local planning authority. The EDS shall include details of mitigation and enhancement measures sufficient to provide a net biodiversity gain, and shall include the following.
 - a. Purpose and conservation objectives for the proposed ecological measures.
 - b. Review of site potential and constraints.
 - c. Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d. Extent and location/area of proposed works on appropriate scale maps and plans.
 - e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g. Persons responsible for implementing the works.
 - h. Details of initial aftercare and long-term maintenance.
 - i. Details for monitoring and remedial measures.
 - j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: to ensure a final agreed scheme that provides mitigation and compensation for the ecological effects resulting from loss of habitat and provides an overall net biodiversity gain in line with policy PLP 30. This is a pre-commencement condition to ensure ecological mitigation and compensation is designed into the scheme prior to any potentially damaging operation taking place, and that the design is based on ecological information that is relevant and up-to-date.

References

Collins, J., ed., 2016. *Bat Surveys for Professional Ecologists: Good Practice Guidelines*. 3rd ed. London: The Bat Conservation Trust.

Wray, S., Wells, D., Long, E. & Mitchell-Jones, T., 2010. Valuing Bats in Ecological Impact. *In Practice*, December, pp. 23-25.