

Consultation Response from Biodiversity Officer
KC Ecology

2020/93954 2020/93954 Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

Erection of 57 dwellings and associated works

Date Responded:
23/02/2021

Responding Officer:
Amy Reddick

Responding Ref:

Assessment

Following comments made by KC Ecology on 21/12/2021, further information was submitted by the applicant to address outstanding issues. The report satisfied several of the points raised including the culverting of the watercourse, however there are still residual concerns regarding the following-

Functional connection with the Peak District Moors SPA (Phase 1 and 2)

In addition to the results of the daytime bird surveys undertaken (during which no golden plover were recorded), the report sets out environmental reasons as to why the site is unlikely to be utilised by golden plover. In combination, these factors give sufficient confidence that the site is unlikely to be utilised by female golden plover during the day. However, the physical characteristics of the site were previously considered during the Habitat Regulations Assessment of the Local Plan, which concluded a residual risk of foraging golden plover. Therefore, although it is unlikely that foraging plover utilise the application site during the day time for foraging, during the breeding season male golden plovers forage overnight for which no nocturnal surveys were undertaken. As the application site is within the commuting range of males birds (2.4 to 2.7 km) there is insufficient evidence to rule out whether male golden plover have the potential to forage on the site and whether this land is functionally connected to the SPA.

Furthermore, the off-setting site also has potential to be functionally linked to the SPA and the submitted report concurs with the assessment that further bird surveys will be required to establish the extent of this. This information cannot be secured via condition as the Local Planning Authority must make appropriate assessment of the implications of the proposals in view of designated site's conservation objectives prior to planning consent, to demonstrate that that application will comply with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. It is the duty of the applicant to provide sufficient information to evidence the findings of an HRA. As no dedicated bird surveys have been undertaken for the offsetting site, there is currently insufficient information to evidence the HRA.

Justification for woodland selection

The planting of woodland on the site may be acceptable given the justification within the report, which concludes adequate management for woodland would be more achievable given the predicted usage of the site. However, this does raise concerns regarding the future management of the retained/translocated grassland on the site if a suitable grazing regime is not considered a feasible management intervention. Further clarity regarding how these areas are to be managed to maintain their favourable condition will be required.

When taken in combination however, the provision of woodland both on-site and off-site is not considered to be suitable compensation for the loss of an area of acid grassland particularly when lowland dry acid grassland is a habitat of principal importance within the context of the site's key geographical area, Valley Slopes. The proposed scheme will need to reflect the priorities for the Valley Slopes Biodiversity Opportunity Zone.

In addition, the metric calculates that the off-site upland oak woodland would take 32+ years to establish to the target condition required to achieve a net gain. As the management of the woodland is unlikely to be secured for this length of time, there is insufficient security that a biodiversity net gain can be achieved post-development.

Biodiversity Net Gain

Given the above considerations, it is likely alternative options for providing a biodiversity net gain, demonstrated via the Biodiversity Metric 2.0, will be required. A biodiversity net gain must be demonstrated in order for the proposals to be in accordance with local and national planning policy, namely LP30ii and Section 15 of the National Planning Policy Framework. There are a number of options available to secure a net gain:

- Revisit the landscape proposals to include enhancement of retained habitats/creation of habitats with higher biodiversity value. Previous iterations of the layout had a lower density and therefore retained a larger extent of valuable grassland habitats.

If it is infeasible to achieve a biodiversity net gain on site, secure offsite mitigation, through:

- Appropriate habitat improvements at a site in the control of the applicant,
- A third-party land bank,
- Negotiation of a commuted sum with the LPA to facilitate habitat improvements in an offsite location.

Further Actions Required:

- **Clarification regarding the potential for male golden plovers foraging on the site.**
- **Further information on how the grassland habitats will be maintained on site post-development.**
- **Demonstrate a biodiversity net gain via a scheme which provides adequate compensation for the loss of lowland acid grassland.**