

**Consultation Response from KC,  
Ecology Unit**

**2021/91506 Shop Lane, Kirkheaton, Huddersfield, HD5 0DB**

**Reserved matters application pursuant to outline permission 2014/92535 for erection of 48 dwellings, formation of access and associated infrastructure**

**Date Responded: 21/11/2023**

**Responding Officer: Gareth Hey**

**Responding Ref:**

The below comments still follow the trend of previously submitted comments from KC Ecology, relating to the absence of ecological information that have been submitted with the reserved matters application.

With regards to Condition 21 on outline permission 2014/9253, which is to be submitted prior to commencement of development: The NPPF at this time required minimisation of impacts on biodiversity but still urged net gains to be identified. It is strongly recommended that a future submission to support the discharge of this condition is supported by the DEFRA Biodiversity Metric, where either a no-net-loss or net gain for biodiversity should aim to be delivered. It may be that financial contributions are still required to be provided to achieve no net loss.

With regards to the request for updated species surveys, whereby mitigation can then be detailed, Condition 23 on outline permission 2014/92535 states the following:

*Where European Protected Species(eps) may be affected by a development and it can be demonstrated that an Natural England EPS licence will not be required, a written method statement(based on the format of Natural England's EPS licence application method statement) detailing how the development shall be completed without harm to any EPS and without loss or detriment to the wildlife habitat used by the said species, shall be submitted to and approved by the Local Planning Authority before development commences. The development shall be carried out in accordance with the agreed method statement. Reason: To accord with the guidance contained in Part 11 of the National Planning Policy Framework "Preserving and enhancing the natural environment".*

Given the above, and the matter that no ecological survey information has been submitted with the reserved matters application, it is impossible at this stage to detail if any protected species are to be impacted by the proposed development.

From the Preliminary Ecological Appraisal (PEA) and Bat Emergence Surveys undertaken in 2015, it is clear that these surveys identified a series of ecological receptors likely to be impacted by the proposed development of the site including amphibians and roosting bats. As the previous ecological surveys are now outdated by a considerable number of years (best practice guidance states that the lifespan of ecological reports is generally 18-25 months), these should be updated in order to inform the required interventions to mitigate for ecological impacts. At a minimum an updated walkover of the site should be undertaken, particularly given the unmanaged nature of the site and the likelihood that the nature conservation value has improved over the last 8 years and opportunities for protected species potentially increased, this should outline whether the previous report is still relevant and if any updated surveys are required. In addition, the previous bat surveys identified the requirement to obtain an EPS licence for impacts to roosting bats, updated activity surveys will be required to inform the licence application to Natural England, as a process of the licence application all ecological conditions will require discharge prior to this. This is all information that has previously been requested and required under condition 23 of the outline permission.

Given the above, the application should not be determined until the required level of information has been submitted in order to satisfy the requirements of the conditions placed on the original outline application.