

**Consultation Response from KC,
Ecology Unit**

2021/94280 land at, Lady Ann Road, Soothill, Batley, WF17 0PY

Erection of 65 dwellings with associated works

Date Responded: 02/03/2023

Responding Officer: Gareth Hey

Responding Ref:

Supporting Information

The following information has been submitted with the application, which has been used to inform my assessment:

- Ecological Impact Assessment (Brooks Ecological report ref. E R-3787-01-E, dated 29/11/2022)
- Biodiversity Management Plan and Water Vole Mitigation Strategy (Brooks Ecological report ref. ER-3787-02-B , dated 30/11/2022)
- Water Vole Survey (Brooks Ecological report ref. R-3787-01, dated June 2019)
- Extended Phase 1 Habitat Survey (Whitcher Wildlife report ref. 160518, dated May 2016)

In addition to the above, previous consultation responses from KC Ecology have also been taken into consideration on the previous applications (2019/92462 and 2017/91851).

Assessment

Ecological Impact Assessment (EclA)

The submitted EclA prepared by Brooks Ecological provides an up-to-date comprehensive assessment of the habitats on site. The initial walkover survey was carried out during April 2016 and followed Phase 1 Habitat Survey Methodology (JNCC, 2010). Given the initial survey work was undertaken over two years ago, in line with CIEEM's advice note on the life span of ecological reports and survey work (CIEEM, 2019), additional site visits have been undertaken in January 2020, and then again in January 2023 by Brooks Ecological; so as to reconfirm the Site's baseline. The site comprises a former allotment, which has been left vacant and allowed to succeed to a mosaic of rough grassland, tall ruderal and scrub habitat, with a beck and wetland habitat along the eastern boundary. The entire site lies within the Kirklees Wildlife Habitat Network, in line with policy LP30 of the local plan, although development is not precluded from the network, mitigation measures should be secured to ensure the function of the network is safeguarded, maintained and enhanced throughout the development. In addition to the above, there is also Himalayan Balsam present within the site, in order to ensure this is appropriately managed, and Invasive Species Management plan will need to be produced for the site.

The EclA lays out a number of faunal recommendations and determines that the site provides suitability for bats and Water Vole. To date, no additional surveys have been undertaken at the site to determine if roosting, foraging and commuting bats are present at the site. Given the mosaic of habitats present at the site along with the suitability of the wider area, particularly to the north and east of the site, made available by corridors of extremely suitable habitat, KC Ecology disagrees with the findings of the Extended Phase 1 Habitat Survey that was used to inform the EclA that the site is of 'low' foraging and commuting value for bats. Prior to determination, information on the levels of bat activity at the site is sought to determine if the site provides a heightened interest for bats. Surveys should be undertaken in line with current best practice guidance (Collins, 2016).

Although a walkover of the site was undertaken in January 2023, detailed survey effort for Water Vole has not been undertaken since 2019. Given that the general validity of detailed ecological survey work is two years, in order to ensure that the application is supported by the most up to date protected species information, it is recommended that these surveys are update, in line with current best practice

guidance (Dean and Strachan, 2016). The information collected from these surveys should be used to inform an updated mitigation strategy

The government circular on Biodiversity and Geological Conservation (ODPM, 2005) and explanatory note from Natural England (Natural England, 2020) indicates that information of protected species, and in particular European protected species, should be made available prior to determination. The above comments are also relevant to the need to prevent significant ecological harm, as required under local policy LP30i.

Biodiversity Net Gain (information included in EclA and Biodiversity Management Plan)

The habitats on site have been accounted for in the DEFRA Biodiversity Metric 3.1. The proposals will lead to an overall loss in Habitat and River Units, with a shortfall of 12.42 Habitat Units (-38.21%) and -0.33 River Units (-11.27%). The proposals also fail to satisfy the Trading Rules, with a deficit in Medium and High Distinctiveness habitats, caused by the loss of Tall herb community, Urban Trees, other neutral grassland, and scrub habitats; this may need to be addressed through offsetting, which could result in a higher offsetting contribution being required. Given the above, it is considered that this current level of loss is unacceptable. Opportunities should be pursued within the site to maximise the availability of habitat and river units. In its current form, the application inconsistent with the general principles of policy LP 30 and NPPF. If all options to maximise these units have been exhausted, then offsetting will be required, most likely through a commuted sum, made payable to Kirklees Council.

Suggested Actions

- **Undertake recommended protected species surveys (bat and Water Voles)**
- **Determine how biodiversity units have been maximised at the site.**