

**Consultation Response from KC,
Ecology Unit**

2021/93567 Land off, Westgate, Cleckheaton, BD19 5DR

Erection of 180 dwellings with associated works

Date Responded: 22/02/2023

Responding Officer: Gareth Hey

Responding Ref:

Assessment

The following documents pertinent to the ecological value of the site have been submitted with the application:

- Ecological Impact Assessment (EclA – report ref ER-4666-03-C) dated 02/02/2023
- Badger Assessment and Report (report ref ER-4666-05) dated 26/11/2021
- Bat Survey Report (report ref ER-4666-02) dated 02/09/2020
- Preliminary Ecological Appraisal (PEAR – report ref ER-4666-01A) dated 02/08/2020

Overall, the site is determined to support a modest range of habitats. From the suite of protected species surveys undertaken at the site, the proposed development is predicted to have no significant impacts on any ecological receptors, subject to suitable mitigation measures, which can be delivered through appropriately worded planning conditions.

A Biodiversity Net Gain (BNG) assessment has been submitted as part of the EclA, with calculations been determined through use of the DEFRA Metric 3.1. The assessment identified the proposals will result in an overall net loss of -6.64 Habitat Units (-32.37%), but gains of 3.20 Hedgerow Units (+172.61%). There will be no change in River Units (0%). In order to ensure that the development is able to achieve a 10% net gain in habitat units, a financial contributions (commuted sum) shall be made payable to Kirklees Council, in order to provide the required biodiversity units on council managed land. In order for the development to achieve a 10% net gain in habitats, 8.69 habitat units will need to be delivered, **resulting in a financial contribution of £199,916** (figure based on £20,000 per habitat unit (figure taken from 2019 DEFRA Impact Assessment) + 15% admin fee (figure taken from Kirklees Biodiversity Net Gain Technical Advice Note), which will need to be secured through a Section 106 agreement. The habitats that are due to be delivered on site will be secured through a condition, detailed below.

Overall, I have no objection to this application, subject to the agreement of the above financial contribution, and the following conditions.

Suggested Conditions

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted and approved in writing by the local planning authority. The plan shall demonstrate how a minimum of 13.88 habitat units are to be achieved post-development and include details of the following:
 - a. Description and evaluation of features to be managed and enhanced;
 - b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
 - c. Ecological trends and constraints on site that might influence management;
 - d. Aims and Objectives of management;
 - e. Appropriate management Actions for achieving Aims and Objectives;

- f. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
- g. Details of the management body or organisation responsible for implementation of the BEMP;
- h. Ongoing monitoring programme and remedial measures; and
- i. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

2. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds, badgers and invasive plant species.
 - b. Identification of “biodiversity protection zones”, where appropriate.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
 - f. Responsible persons and lines of communication.
 - g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

3. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.