

**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: 01/12/2023**

**Responding Officer: Gareth Hey**

**Responding Ref:**

Following on from my previous comments dated 02/11/2023, the EclA has been updated to provide the location of trees that contain suitable bat roosting features. The updated information details that tree with moderate suitability in the centre of the site is to be retained as part of the proposals, with several trees of low value that can be felled, under supervision from a suitably qualified ecologist.

Given the above and following on from information in my previous response with regards to biodiversity net gain, which should be implemented in order for the development to proceed, the proposals comply with national and local planning policies pertinent to biodiversity, however, the following conditions should be placed on any forthcoming consent.

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 11.34 habitat units, 2.60 hedgerow units and 3.27 river 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 roosting bats, water vole 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.