

**Consultation Response from KC,
Ecology Unit**

2022/91477 Land off Lindley Moor Road, Lindley, Huddersfield, HD3 3SX

Hybrid Planning Application for the erection of an industrial unit for E(g)/B2 /B8 use with associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(a), E(b), E(g), B2 and B8

Date Responded: 04/04/2023

Responding Officer: Gareth Hey

Responding Ref:

Assessment

Following on from my previous comments, an updated Ecological Impact Assessment (EclA) and Biodiversity Net Gain calculation have been submitted with the application, in line with the updated landscaping plans. The submitted reports provide a comprehensive assessment of the site and lay out the potential impacts on ecological receptors, brought about by the proposed development. Overall, the site is of limited ecological value, comprising of species poor modified grassland with limited opportunities for protected species, given the intense grazing regime currently undertaken at the site.

An updated Biodiversity Net Gain calculation has been submitted with the EclA, using the Biodiversity Metric 2.0 calculator tool. The submitted metric details that there will be an overall **net gain** of 0.56 habitat units at the site (4.36% net gain) and a **net gain** of 2.14 hedgerow units (335.89% net gain). Although the net gain for both habitat types is welcomed, in order for the proposals to come forward in line with national and local policies and guidance, in order for the development to achieve a 10% net gain, 0.73 habitat units will need to be delivered, via off-site compensation. In line with the [Kirklees Biodiversity Net Gain Technical Advice Note](#), off-site compensation can be secured through one, or a combination of, the following:

- Management of land within the control of the developer;
- Purchase of the required compensation value from a Habitat Bank;
- Payment of a commuted sum to the Local Planning Authority; or
- A combination of all or some of the above.

Applicants are encouraged firstly to source and bring forward appropriate sites on which their biodiversity offsetting can occur. These should be reasonably close to the development site and have the potential to establish or enhance in-kind habitats to those due to be lost. If the applicant is unable to secure a site where adequate biodiversity offsetting can occur then a financial payment to Kirklees Council, for use to enhance biodiversity on council managed land, will be required. In order for the development to achieve a 10% net gain, a financial contribution of (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)), £16,790 will be required, 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.

To ensure the proposed development complies with national and local planning policies, the following conditions are recommended.

Suggested Conditions

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 13.52 habitat units and 2.78 hedgerow 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.