

**Consultation Response from KC,
Ecology Unit**

2023/90444 Land adj, Fern Bank, Far End Lane, Honley, Holmfirth, HD9 6NS

Erection of detached dwelling

Date Responded: 04/04/2023

Responding Officer: Gareth Hey

Responding Ref:

Following on from my previous comments, an Ecological Impact Assessment (EclA) has been submitted with the application (document ref: MBE/ECO/2022/14/01 dated 30/01/2023). The EclA provides a comprehensive assessment of the site, determining the impacts of the proposed development on ecological receptors, in line with best practice guidelines.

It is considered that the habitats to be removed to facilitate the proposed development are of only site level importance, and the faunal assemblage within the site is also of no more than site level importance. The proposed development is to retain existing trees and the mature scrub along the northeast side of the site, with this vegetation to provide screening between the new dwelling and 18 Woodhead Road. It is imperative that this area of vegetation be retained as part of the proposals, as in line with the submitted EclA, this are ensuring connectivity with the wider woodland, designated as Kirklees Wildlife Habitat Network.

A number of mitigation and enhancement measures are detailed within the report, these should be adopted as part of the proposed development in order to ensure that protected species are safeguarded throughout the development and that the scheme is able to provide a net gain in biodiversity, in line with Policy LP30 of the Local Plan.

Overall, I have no objection to this application, subject to the following conditions.

Suggested Conditions

1. 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/Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.

2. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP 30 (as modified) and the requirements of section 15 of the National Planning Policy Framework.

3. 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 detail what areas are to be retained post development, how native planting is to be incorporated into the scheme and how protected species provisions are to be incorporated into

the design in line with section 6.3 of the submitted EclA, and must 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.