

**Consultation Response from KC,
Ecology Unit**

2023/91116 Land off, Primrose Lane, Hightown, Liversedge, WF15

Erection of 77 dwellings, with access from Darley Road and associated works

Date Responded: 08/03/2024

Responding Officer: Gareth Hey

Responding Ref:

Assessment

An Ecological Impact Assessment (EclA), Bat Survey Report and Biodiversity Net Gain Calculation have been submitted with the application, which is welcomed. The site is an allocated site (HS117) within the Kirklees Local Plan with a net developable area of 2.48 hectares, with the entire area of woodland within the site to be separated from development, due to its designation as Kirklees Wildlife Habitat Network. However, from a review of the proposed site layout, there is likely to be an impact on the woodland, given that clearance will be required for the installation of a water pipe, adjacent to an existing desire line.

The EclA submitted with the application provides a comprehensive assessment of the site. The site is dominated by species poor modified grassland, with an area of broadleaved woodland in the northern section of the site, which is also designated as wildlife habitat network, which is protected by policy LP30(iii) of the local plan, which states that developments must aim to safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term. The proposals are likely to result in a minor negative impact on woodland habitat, as a small area of broadleaved plantation woodland (dominated by sycamore *Acer pseudoplatanus*) will be lost to provide access from Darley Road. In addition to the above and as previously detailed, a water pipe is to be installed through the woodland along an existing desire line used by the general public, which will further result in potential impacts to the woodland. The remaining woodland (0.593ha) will be enhanced to bring it into good condition by improving the structural diversity and sub-canopy. It is considered that this small removal of woodland is overall acceptable, as the scheme will seek to enhance the remaining woodland, making it better quality, throughout.

The submitted EclA and Bat Survey report provides a detailed assessment of the site and its suitability for protected species, overall, the site is considered to provide some potential for bats, breeding birds and hedgehog. There are no significant negative impacts anticipated as a result of the development proposals. The residual impacts of the development are either of moderate benefit, minor benefit or of negligible impact. The EclA lays out a number of recommendations with regards to protected species mitigation and enhancement measures that can be secured through appropriately worded conditions.

A Biodiversity Net Gain calculation has been submitted with the EclA, using the Biodiversity Metric 3.0 calculator tool. The submitted metric details that there will be an overall net gain of 2.25% habitat units achieved and 143.91 % Hedgerow units, with all trading rules satisfied. 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, 0.63 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)), £14,467 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.

Given the above, subject to the following conditions, it is considered that the development proposals are able to come forward in line with national and local planning policies pertinent to biodiversity.

Suggested Conditions

1. 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, bats and hedgehogs.
 - 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.

2. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 8.27 habitat units and 1 hedgerow unit

are to be achieved post-development. It should also include details of faunal provisions at the site, and include details of the following, as recommended in the submitted EclA:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed floral and faunal 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.