Consultation Response from KC, Ecology Unit
2023/91408 Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ
Erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works
Date Responded: 30/11/2023 Responding Officer: Gareth Hey Responding Ref:

The following information has been submitted with the application, following a request for additional information including justification for the habitat classification utilised to determine the baseline value of the site, which is welcomed:

- Preliminary Ecological Appraisal and Potential Bat Roost Survey (dated May 2023);
- Biodiversity Net Gain Statement (dated 21 November 2023);
- Biodiversity Net Gain Justification (dated 21 November 2023); and
- Biodiversity Metric 4.0 (dated 31/10/2023).

The PEA determines that the site is of minimal ecological value, given the habitats present at the site and the location in the landscape. The PEA makes recommendations with regards to measures that should be adopted throughout the scheme, in order to ensure that there are minimal impacts on ecological receptors throughout the development. These recommendations, as detailed in table 4 of the submitted PEA should be secured, via an appropriately worded planning condition. Appendix 4 of the submitted report detail RAMS, which should be adopted throughout the scheme.

The biodiversity net gain calculation submitted with the application details that the proposals will result in a net gain in habitats of 12.76%. The submitted information is determined to be valid, with the statement and justification documents detailing how the baseline value of the site has been determined. The habitat units that are to be delivered at the site are to be secured via an appropriately worded planning condition, the wording of which is suggested below.

Overall, I have no objection to this application, and the proposals to deliver an overall enhancement at the site are welcomed.

Suggested Conditions:

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 4.58 habitat units and 5.09 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. The Reasonable Avoidance Measures (RAMS) detailed in Appendix 4 of the submitted report should be strictly adhered to throughout the scheme, in order to ensure that there are minimal impacts to ecological records, throughout the construction phase of the development.

   Reason: To prevent significant ecological harm to notable and protected species, in line with policy LP30 of the Kirklees Local Plan.

   Prior to the commencement of development, a detailed external lighting scheme (in line with Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/19: Bats and artificial lighting in the UK) shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be designed to avoid disturbance to wildlife.

   The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

   Reason: To prevent significant ecological harm to the adjacent wildlife habitat network, in line with policy LP30 of the Kirklees Local Plan.

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