Consultation Response from KC,
Ecology Unit

2023/91418 Woodhouse Quarry, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR

Importation of infill materials to restore a former quarry

Date Responded: 21/03/2024
Responding Officer: Gareth Hey
Responding Ref:

It is understood that formal restoration of the Site is required so as to address health and safety concerns, visual impact and available end use.

The following documents have been received with the application:

- Ecological Appraisal Report (BSG, May 2023);
- Biodiversity Net Gain Assessment Report (BSG, May 2023); and
- Report to inform a Habitats Regulations Assessment (BSG, May 2023).

The suite of information is welcomed. To inform the overall ecological value of the site, the following suite of surveys has been undertaken at the site:

- Botanical survey to map habitat types and species present;
- Bat emergence survey;
- Breeding bird surveys;
- Wintering bird surveys;
- Great crested newt surveys;
- Reptile surveys; and
- Invertebrate surveys

Given the extensive survey effort undertaken at the site, it is clear that the submitted ecological information is extremely well informed and coupled with a review of aerial imagery and other data sources, has allowed the LPA to make an informed decision on the impact of the restoration proposals at the site.

Ecological Appraisal Report (BSG, May 2023)
The habitats at the site comprise open mosaic habitat on previously developed land (a nationally important habitat of principal importance and a priority habitat within Kirklees), semi-improved grassland, acid grassland, heathland (same designations as OMH detailed above), mixed scrub, ruderal vegetation, standing water and scattered trees. The habitats to the south of the quarry void (acid grassland, tall ruderal vegetation and heathland) and areas of the northeast and southwest Site boundary will be retained in situ and enhanced. The report details that there will be potential for temporary impacts on retained habitats at the site to facilitate the proposed restoration. It is likely that there will be some impacts to heathland and open mosaic habitats at the site, where they will be temporarily stripped and stored on site for reinstatement within the final restoration scheme. It is considered that in order to mitigate the temporary loss of these nationally and locally important habitats, a construction environmental management plan will need to be secured through and appropriately worded condition, as detailed within the submitted report. The report makes a number of enhancement recommendations with regards to the proposed reinstatement of habitats at the site, these are discussed in detail within the biodiversity net gain assessment, which is review further within this consultation response.

The submitted information that has been informed by the species surveys detailed above confirm that the site provides limited opportunities for badger, bats, great crested newts, reptiles, and other protected or notable species including common toad, brown hare and hedgehog. The site, however, does provide suitability for protected and notable bird species and was determined to be of district importance for invertebrates, as three nationally scarce species of aculeate Hymenoptera were

identified at the site. Standard mitigation measures for nesting birds should be detailed within a CEMP, which can be secured via a suitably worded condition. In addition to the above, given the district level importance of the site for invertebrates, the mitigation measures detailed in paragraphs 4.152 to 4.155 should be secured, via a suitably worded condition. Such measures could be incorporated into the CEMP.

Overall, it is considered that impacts to protected and notable species within the site can be suitably mitigated. Indeed, the proposals will allow for a significant uplift in the biodiversity value of the site.

It is possible that following the restoration, the site may qualify for Local Wildlife Site (LWS) status. This should be reviewed following the completion of the works, as the site could provide a valuable habitat for nationally scarce invertebrate species, along with an important foraging and nesting resource for Annex 1 bird species.

Biodiversity Net Gain Assessment (BSG, May 2023)
The biodiversity calculation using the Defra Biodiversity Metric 3.1 yields the following key results for on-site proposals:

- Existing area habitat score: 28.74 units
- Proposed habitat score following Restoration: 31.86 units
- Biodiversity gain for area habitats: 3.13 units
- Difference (i.e., biodiversity gain or loss) for area habitats: 10.88% gain.

The above net gain for the biodiversity value of the site is welcomed. The submitted information details that the score will be achieved through an appropriate management regime of the site to enhance the areas throughout the site. The details of how the habitats are to be managed at the site, long term can be secured through an appropriately worded condition for a BEMP.

Habitat Regulations Assessment
The submitted report to inform a habitat regulations assessment has allowed the LPA to undertake a screening exercise that determines there will be no impact on designating features of the Natura 2000 sites located within close proximity to the site. A separate screening document has been prepared and Natural England have been consulted on the proposals, with comments yet to be received.

Overall, I have no objection to these proposals, subject to the following conditions.

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 31.86 habitat 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. Details of faunal provisions to be incorporated into the development;

    e. Aims and Objectives of management;

    f. Appropriate management Actions for achieving Aims and Objectives;

g. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);

h. Details of the management body or organisation responsible for implementation of the BEMP;

i. Ongoing monitoring programme and remedial measures; and

j. 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 specifically relating to nesting birds and invertebrates.

   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.