

**Consultation Response from KC,
Ecology Unit**

2023/92966 Land to the rear of, 271, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB

Demolition of existing dwelling and erection of 87 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works

Date Responded: 08/08/2024

Responding Officer: Gareth Hey

Responding Ref:

An Ecological Impact Assessment (EclA, Smeeden Foreman, 2023) has been submitted with the application, which is welcomed. A Biodiversity Net Gain (BNG) Assessment has also been submitted with the application. The site is allocated in the local plan for residential development (HS116).

Habitats

The EclA details that the habitats at the site are limited in their ecological value, being dominated by areas of poor quality modified grassland, with some areas of bramble scrub, trees and hedgerows providing heightened interest, in the context of the site only. The EclA makes a number of recommendations with regards to retention of trees and hedgerows, along with replant native planting, including areas of species rich grassland to be created by the proposed development. This is discussed further in the BNG assessment summary, detailed below.

Species

Great Crested Newt – Surveys undertaken on the pond at the site confirmed likely absence of great crested newt. Habitats on site are considered sub optimal for GCN and as such, the proposed development is unlikely to have an impact on GCN and other amphibians. Precautionary measures can be secured through a CEMP.

Roosting bats – Common pipistrelle roost has been identified in 271 Cliffe Lane. Compensatory measures have been recommended and additional bat roosting features to be incorporated throughout the scheme will allow for an enhancement in roosting at the site. This can be secured through a BEMP.

Foraging bats – northern and western boundary hedgerows along with hedgerow running through centre of site were determined to be of heightened value for foraging and commuting bats. The northern and western hedgerows are to be retained, with lost habitat to be appropriately mitigated for through new native planting.

Breeding birds – trees and hedgerows provide nesting opportunities for birds. Measures to avoid vegetation clearance in nesting season or check by ecologist prior to clearance can be secured via a CEMP.

Badger and hedgehog – Measures to mitigate potential impacts can be secured through an appropriately worded CEMP condition.

Biodiversity Net Gain

A biodiversity net gain assessment has been submitted with the report, along with an updated biodiversity metric. The submitted metric details that there will be an overall net gain of 3.16 habitat units at the site (17.85% net gain) and a net gain of 1.15 hedgerow unit (30.04% net gain). The level of net gain is reasonable and justified, as the habitats at the site can be appropriately enhanced through the incorporation of native, species rich planting.

Given the above, I have no objection to this application as it will allow for a significant level of enhancement at the site, allowing continuation of the habitat network and provide increased provisions for protected species at the site. The following conditions should be included on forthcoming consent.

Suggested Conditions

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 20.86 habitat units and 4.97 hedgerow units are to be achieved post-development and include details of protected species provisions to be incorporated into the proposals 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 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
 - b. Details of precautionary working methods for amphibians, reptiles, badgers and hedgehog.
 - c. Identification of “biodiversity protection zones”, where appropriate.
 - d. 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).
 - e. The location and timing of sensitive works to avoid harm to biodiversity features.
 - f. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
 - g. Responsible persons and lines of communication.
 - h. 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.