

<b>Consultation Response from KC, Ecology Unit</b>
<b>2023/93113 30, Market Street, Huddersfield, HD1 2HG</b>
<b>Change of use and alterations to form student living accommodation with ancillary concierge and communal facilities including roof extension and roof terrace</b>
<b>Date Responded: 22/02/2024 Responding Officer: Gareth Hey Responding Ref:</b>

Following on from my previous comments, the submitted report has been updated following a request for local records from West Yorkshire Ecology Services. The site is of minimal ecological value, comprising entirely of buildings and hardstanding.

With regards to protected species, the site is of minimal value. The recommended approach to ensure there are no impacts to roosting bats is accepted. KC Ecology undertook an inspection of the building, and it is considered that a non-licensed mitigation statement would be acceptable to ensure that the proposed development would result in minimal impacts to roosting bats. In addition to roosting bats, it is considered that any potential impacts to protected species will be adequately mitigated through a Construction Environmental Management Plan: Biodiversity, that can be secured through an appropriately worded planning condition, should permission be granted.

The proposals will bring about an overall enhancement for biodiversity, as the current proposals seek to incorporate a roof top garden into the design, which could provide a potential resource for foraging bats and birds. In addition to the above, as outlined in the PEA and PRA, roosting provisions for bats and nesting provisions for birds could be positioned on the existing structure, which will provide additional resources for these legally protected species. The incorporation of these features can be secured within a Biodiversity Enhancement Management Plan (BEMP), which can be secured through an appropriately worded condition.

Overall, I have no objection to this application, as protected species can be adequately safeguarded throughout the development and the proposals will bring about a net gain for biodiversity, 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 roosting bats, nesting birds and hedgehog.
  - 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) has been submitted to and approved in writing by the local authority. The plan shall

demonstrate how a rooftop garden is to be incorporated into the design, along with details on provisions for roosting bats and nesting birds and shall include 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
- 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