Consultation Response from KC, Ecology Unit
2023/93539 Land adj, Ledgard Bridge Mill, Back Station Road, Mirfield, WF14 8NZ
Outline application, including the considerations of access appearance, layout, and scale, for the erection of a six-storey building to host 76 residential apartments (C3 use) and ancillary works comprising demolition of vacant building, formation of new access, parking areas, open space and landscaping; erection of cycle and bin refuse storage structures
Date Responded: 12/03/2024 Responding Officer: Gareth Hey Responding Ref:

An Ecological Impact Assessment (EcIA) and bat emergence survey report has been submitted with the application, which is welcomed. The application seeks outline permission for appearance, scale, layout, and access, with matters pertaining to landscaping outstanding.

The site is located within the bat alert layer and within close proximity to the River Calder, which is also designated as Kirklees wildlife habitat network. Ledgard Bridge Mill that lies adjacent to the site on the northern boundary has records of roosting bats, dating from 2005 and 2013. Therefore, prior to any information being assessed, the sites suitability for roosting bats will need to be determined.

EcIA
The EcIA provides a comprehensive overview of the ecological impacts brought about by the proposed development. The development will result in the loss of small areas of grassland, scrub, trees and woodland along with urban habitats including the building on the site. In the absence of mitigation, the removal of habitats within the construction phase of the development could bring about impacts on nesting birds, hedgehog and foraging and commuting bats. The operational phase of the development could bring about impacts to foraging and commuting bats and any other species that may utilise the adjacent habitats and river Calder. The EcIA makes a number of recommendations in order to ensure that impacts to protected species are minimised. Such measures can be secured through appropriately worded planning conditions, specifically related to a Construction Environmental Management Plan (CEMP: Biodiversity), suggested wording of which is detailed further below.

Bat Emergence Report
One building in the south-eastern section of the site is due to be removed to facilitate the proposed development and as such, it was subject to a detailed bat roost assessment. The survey determined that the building was of low value for roosting bats and as such, a single emergence survey was undertaken on the building.

The survey concluded that bat roosts are likely absent from the surveyed building and as such, no further surveys or mitigation measures are considered necessary. In the unlikely event that a bat or evidence of bats is found during works, work must stop immediately and advice sought from a suitably qualified ecologist before proceeding.

The reports make a number of recommendations for incorporating protected species provisions into the proposals. Such measures can be secured through appropriately worded planning conditions for a enhancement management plan.

Biodiversity Net Gain
A Biodiversity Net Gain calculation has been submitted with the EcIA, using the Biodiversity Metric 3.1 calculator tool. The submitted metric details that there will be an overall **net loss** of 2.3 habitat units at the site (35.84% net loss) and a **net gain** of 0.7 hedgerow units (100% net gain). 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, 2.94 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:

1. Management of land within the control of the developer;
2. Purchase of the required compensation value from a Habitat Bank;
3. Payment of a commuted sum to the Local Planning Authority; or
4. 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)), £67,620 will be required, which will need to be secured though a Section 106 agreement. The habitats that are due to be delivered on site will be secured through a condition, detailed below.

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

1. Matters relating to landscaping should be supported by an updated ecological assessment (undertaken 12 months prior to submission) and completed by an appropriately qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the EcIA submitted at outline, and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development, including the need for any additional surveys. The survey report, together with a mitigation strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development on the relevant phase and shall be thereafter implemented as agreed.

   Reason: In the interests of preserving and enhancing the natural environment, in line with policy LP30 of the local plan and Chapter 15 of the NPPF.

2. No development shall take place within a phase until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) for 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;
   b) Identification of “biodiversity protection zones”;
   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;
   f) Responsible persons and lines of communication;
   g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
   h) Use of protective fences, exclusion barriers and warning signs.

   The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details for that phase.

   Reason: In the interests of preserving and enhancing the natural environment, in line with policy LP30 of the local plan and Chapter 15 of the NPPF.

3. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 4.12 habitat units, 0.70 hedgerow units and 2.76 river 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;

4. Prior to the commencement of a phase of development, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority before operational use of the building. The strategy shall:

    a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
    b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework