

**Consultation Response from KC,
Ecology Unit**

2023/93597 east of, Mill Lane, and Heaton Grange, Hanging Heaton, Batley, WF17 6EN

Reserved matters application pursuant to outline permission 2020/93777 for erection of residential development (19 dwellings)

Date Responded: 14/02/2024

Responding Officer: Gareth Hey

Responding Ref:

The submitted information does not provide sufficient information pursuant to the conditions placed on the outline permission. The PEA submitted with the application is not considered sufficient, as condition 21 on outline permission 2020/93777 requests an updated ecological assessment, with a requirement for badger and reptile surveys. The PEA is not considered sufficient to allow for the discharge of the above condition.

The BEMP is also severely insufficient and does not detail how the required level of biodiversity units at the site are to be delivered, there are numerous examples within the submitted information that simply do not comply with the requirements placed on condition 22 of outline permission 2020/93777. The applicant should engage with a suitably qualified ecologist to better understand the requirements of the condition, particularly with reference to the level of biodiversity net gain that is to be achieved at the site.

The submitted information is considered to be significantly lacking, and the conditions placed on the outline permission should be reviewed to inform updated assessments. These conditions are referenced below.

The conditions are as follows:

21. Any application for reserved matters shall be accompanied by supporting ecological information in the form of an Ecological Impact Assessment (EclA). The Ecological Impact Assessment shall be informed by up-to-date ecological survey information (no older than two appropriate survey seasons prior to submission), with additional surveys taken into account for Badgers and Reptiles. All ecological reports and surveys shall be undertaken in line with relevant national good practice guidelines including guidelines on the acceptable lifespan of reports and surveys. The submitted EclA should use the most up to date redline boundary to inform the assessment. The recommendations of the EclA will be taken into full consideration and implemented in accordance with the reports findings.

Reason: *To ensure sufficient information is available to the Local Planning Authority at reserved matters stage to enable an assessment of impacts to protected species, in accordance with government circular 06/2005, Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

22. Any application for reserved matters shall be accompanied by a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 2.48 habitat units and 0.64 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 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. Preparation of a work schedule (to cover an initial 5-year period to be reviewed and updated for a minimum period of 30 years);*
- g. Details of the body or organization responsible for implementation of the plan;*
- h. Ongoing monitoring and remedial measures;*

The BEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that 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 can deliver the fully functioning biodiversity objectives of the originally approved scheme.

Reason: *To ensure a scheme that provides mitigation and compensation for the ecological effects resulting from loss of habitat and provides an overall net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan.*

