

Kirklees Metropolitan Council Planning Services,
PO Box 1720,
HUDDERSFIELD,
HD1 9EL

22 December 2023

Dear Sir/Madam,

Application for Full Planning Permission (Planning Portal Reference PP-12644696)

Land to the northwest of Urban Terrace, Denby Lane, Grange Moor

We write on behalf of our client, Yorkshire Country Properties, regarding the above site. A planning application has (previously) been submitted under LPA reference 2023/93704 to Kirklees Council on 13.12.23.

This full planning application seeks permission for the following description of development:

“Erection of 10 no. new residential dwellings with associated access, parking, landscaping, and works to facilitate the development”.

This covering letter is submitted with the supporting Ecological and Biodiversity Net Gain Assessment submitted as part of this planning application. This covering letter should be read in conjunction with the submitted ecological and biodiversity information along with the other plans and documents previously submitted with the application.

This covering letter is accompanied by the following documents:

- Updated Ecological Appraisal (Denby Lane PEAR 2023 Rev1);
- Biodiversity Net Gain Assessment (BNG Denby Lane 2023);
- Biodiversity Metric Results (Denby Lane Statutory Biodiversity Metric Calculation Tool Macro enabled)

As part of the planning submission, a Preliminary Ecological Appraisal has been submitted with the application.

The document under reference (Denby Lane PEAR 2022 DRAFT) provided details of the wider site in a Preliminary Appraisal conducted in September 2022. The Phase 1 Habitat Map contained within Figure 8 of the report details the survey area. It was appropriate to undertake an updated Appraisal for the site to ensure the ecological and biodiversity matters had been fully considered ahead of submitting this planning application.

The reports as above were in preparation at the time of the application submission.

Therefore, the relevant Local and National Policy considerations have been addressed in this supporting letter.

National Planning Policy Framework

Paragraph 11 of the NPPF requires that decisions should apply a presumption in favour of sustainable development and where decision taking is concerned, this means that applications in accordance with policies in the development plan should be approved without delay.

However, paragraph 12 of the NPPF is clear that the presumption in favour of sustainable development in paragraph 11 does not change the statutory status of the development plan as the starting point for decision-making.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Kirklees Statutory Development Plan

The statutory development plan for the area is the Kirklees Local Plan Strategies and Policies (LPSP), which was adopted in 2019. It sets out policies required to achieve the strategy alongside development plans and location and covers the administrative area of Kirklees Council, excluding the Peak District National Park, for the period of 2013- 2031.

The site is allocated under Policy LP65 (Housing Allocations) in the Kirklees Local Plan Strategy and Policies (adopted 2019). The site is allocated for residential uses in the Local Plan. Aside from the required reports and recognised site constraints, there are no other site-specific considerations or requirements for the site relating to ecology or biodiversity matters in the allocation. The following policies have been identified as relevant to this supporting letter in the consideration of the proposed development:

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP3 – Location of New Development;
- Policy LP7 – Efficient and Effective Use of Land or Buildings;
- Policy LP30 – Biodiversity and Geodiversity.

With specific reference to **Policy LP30 (Biodiversity and Geodiversity)** development proposals will be required to:

- “result in **no significant loss or harm** to biodiversity **in Kirklees** through avoidance, adequate mitigation or, **as a last resort**, compensatory measures secured through the establishment of a legally binding agreement;*
- minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation **where opportunities exist**;*

- iii) ***safeguard and enhance** the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- iv) *establish additional ecological links to the Kirklees Wildlife Habitat Network **where opportunities exist**; and*
- v) *incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.”*

(NB. Our emphasis)

Material Considerations

Paragraph 180 part (d) of the NPPF states planning policies and decisions should minimise impacts on and provide net gains for biodiversity, including by establishing ecological networks that might be more resilient to current and future pressures.

It is submitted that this application does just that.

Paragraph 22 of the National Planning Practice Guidance (NPPG) on the natural environment confirms the definition of Biodiversity Net Gain as an approach that “delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development” (Ministry of Housing, Communities & Local Government, 2019b). Paragraph 25 of the same guidance also identifies the use of a biodiversity metric as a pragmatic way to calculate changes in biodiversity value.

Ecology

MAB Environment Ecology Ltd has undertaken a Preliminary Ecological Appraisal (PEA) to accompany the planning application.

An extended Phase 1 habitat survey using UK HABs methodology, was undertaken in 2022. A site walkover took place in 2023 and for consistency and continuation the 2022 data was used for the baseline and forms the basis of the PEA and impact assessment. The PEA concludes that there was no indication of presence of badger setts, water voles, freshwater crayfish, or any protected or notable plants within the development site.

There is also a negligible risk of great crested newt presence, and no further survey effort is considered to be necessary.

There will be no likely significant effect on protected species or protected habitats as a result of the proposed development. There are also no designated sites on or adjacent to the site. The development site included an area of self-seeded scrub & young self-seeded woodland which had developed on mining spoil. There was also some privet and native hedgerow. These habitats were previously of some value to nesting birds; site clearance took place outside of nesting season.

Biodiversity Net Gain Assessment

A Biodiversity Net Gain (BNG) metric has been undertaken for the proposed development.

The development involves the construction of 10 no. residential dwellings with associated structures.

The BNG Assessment provides guidance on habitat creation, including tree planting, native hedgerows, and other neutral grassland. This sits alongside guidance for the long-term management of these habitats on site. The BNG Assessment concludes that there is a net area loss of 4.29 habitat units (- 82%) and a net linear gain of 0.18 hedgerow units (+ 68%).

However, and importantly, the reporting is clear that no irreplaceable habitats will be lost to the development. Onsite habitat creation will involve creating two small areas of species-rich grassland and planting 12 trees.

One area of public open space will be centrally located and the other located towards the eastern boundary. On both of these areas, neutral grassland mix will be sown, and meadow management undertaken.

Summary

It is clear and apparent from the information submitted with this application accords with Local Plan Policy LP30, along with the relevant requirements in the NPPF and NPPG. The applicant and its technical advisers have worked hard to achieve this position with regard to ecology and biodiversity.

What is proposed in this application will not result in any significant loss or harm to biodiversity in the Kirklees area. It is also apparent that the proposal is sensitive to and does attempt to minimise the impact on biodiversity through design and function, as well as safeguards and enhances connectivity.

Although the proposal meets with the relevant requirements of Local Plan Policy LP30, the applicant is of course open to further suggestions from the Council in this respect, where sensible and realistic opportunities may exist within the ambit of this proposal.

We trust that the enclosed information is sufficient to enable the Council to reach a decision on the application, but should you require any further information, then please do not hesitate to contact me.

Yours faithfully,

Mike Parham
Graduate Planning Consultant
mp@broadgrove.co.uk
T 07909 621164

Encs.