

**Consultation Response from KC,
Ecology Unit**

2024/90058 Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Reserved Matters application, including the considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307 for the erection of residential development (up to 75 units) and the discharge of conditions 7 (include a Written Scheme of Archaeological Investigation (WSI) and Designer's Response), 8 (Foul and Surface Water Drainage Strategy), 9 (flood routing), 10 (mitigatory tree-planting), 11 (cycle parking), 12 (Arboriculture Assessment), 13 (Ecological Design Strategy), 14 (Bar survey), 15 (noise impact assessment)

Date Responded: 26/03/2024

Responding Officer: Gareth Hey

Responding Ref:

The application is for considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307. The following conditions are related to biodiversity at the reserved matters stage:

13. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include an Ecological Design Strategy (EDS) which demonstrates that a biodiversity net gain is achieved post-development. The EDS shall detail a minimum increase of 10% in habitat units and 10% in hedgerow units, based on an up-to-date review of the site's ecological baseline value using the Biodiversity Metric 3.1 (or as amended). The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works;*
- b) Review of site potential and constraints;*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;*
- d) Extent and location/area of proposed works on appropriate scale maps and plans;*
- e) Details on the establishment of the habitats on the site;*
- f) Type and source of materials to be used where appropriate, e.g., native species of local provenance;*
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- h) Persons responsible for implementing the works;*
- i) Details of initial aftercare and long-term maintenance;*
- j) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and*
- k) Details for disposal of any wastes arising from works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

14. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, be supported by an Ecological Impact Assessment (EIA) which is supported by updated ecological survey(s), including a bat survey.

Reason: To ensure due regard and appropriate assessment is given to the proposal's impact on local ecology and protected species, in accordance with Policy LP30 of the Kirklees Local Plan.

EDS

An updated Biodiversity Net Gain calculation has been submitted with the application, using the Biodiversity Metric 4.0 calculator tool. The submitted metric details that there will be an overall **net loss** of 1.96 habitat units at the site (39.94% net loss) and a **net gain** of 0.24 hedgerow units (41.49% net gain). Although the net gain for both habitat types is welcomed, 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, 2.45 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:

- Management of land within the control of the developer;
- Purchase of the required compensation value from a Habitat Bank;
- Payment of a commuted sum to the Local Planning Authority; or
- 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)), £56,350 will be required, which will need to be secured through a Section 106 agreement.

Aside from the above, the submitted information does not directly state how points a to k of condition 13 are to be satisfied. The applicant should thoroughly review the requirements of the condition and appoint a suitably qualified ecologist to prepare a suitable report. The principles outlined in the submitted BIA layout the biodiversity value of the site pre and post development, however, they do not detail the measures required to ensure how the habitat units to be delivered at the site are to be achieved.

At this moment, this condition cannot be discharged until a report to address the requirements of the condition has been submitted. Once this information has been received, KC Ecology should be reconsulted.

EclA

The EclA provides a comprehensive assessment of the site and I support the discharge of condition 14. The information collected from the EclA should be utilised to outline the principles within the CEMP: Biodiversity, which is to be submitted as part of a separate discharge of condition application. Although the updated EclA has determined that bats may not be utilising T1 at the site for roosting purposes, I would like to see mitigation measures such as an aerial inspection prior to its removal incorporated into the CEMP, to ensure that impacts to protected species are minimised as extensively as possible. This should be applied to all protected species that may be present at the site and potentially impacted by construction activities.

I support the discharge of condition 14, however, the measures detailed above should be incorporated into the CEMP: Biodiversity, as part of a separated application.