

Planning Consultation Request

Town and Country Planning Act 1990

APPLICATION FOR PERMISSION TO DEVELOP LAND

Observations By:	KC, Ecology Unit
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Application No.	2024/90253
Proposed Development:	Outline application for erection of residential development with associated biodiversity and open space enhancements
Location:	Land at, Cuckstool Road, Denby Dale, Huddersfield, HD8 8RB
OS Map Reference	SE 423305.0588 408579.3075
Applicant/Agent:	Alistair Flatman Planning
Class:	Minor Developments

Your comments on the above proposal are requested. Please e-mail your comments in either a Microsoft Word or PDF Document to DC.Admin@kirklees.gov.uk by **13-Mar-2024**.

If you would like to contact the Case Officer: Nina Sayers for any reason then please do so on: Tel. .

The submitted plans and documents for the application can be viewed online at the Planning Service Website by holding down Ctrl and Clicking the link below:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90253>

*If the plans are not available online after 5 working days of the date of this letter then please e-mail: DC.Admin@kirklees.gov.uk

If I do not receive your response by **13-Mar-2024** then the application may be decided without the benefit of your views.

Dated: 21-Feb-2024

Mathias Franklin
Head of Planning and Development

**Consultation Response from KC,
Ecology Unit**

2024/90253 Land at, Cuckstool Road, Denby Dale, Huddersfield, HD8 8RB

Outline application for erection of residential development with associated biodiversity and open space enhancements

Date Responded: 07/03/2024

Responding Officer: Gareth Hey

Responding Ref:

My comments for the previous application (2022/90668) are still relevant for this application, and are as follows.

An Ecological Impact Assessment (EclA – ref: MBE/ECO/2023/21/01) has been provided to support the application, which is welcomed. The EclA provides a comprehensive assessment of the ecological constraints and impacts of the scheme. Therefore, provided the ecological measures identified within the EclA are incorporated, it is not anticipated there will be significant negative ecological impacts and the proposals are in accordance with LP30.

The EclA has also made use of the DEFRA biodiversity metric 4.0, which identifies that a net gain of 46.11% for habitats will be achieved post-development.

The following conditions are suggested to ensure any updated designs take into account the ecological baseline of the site and are based on up-to-date survey data.

1. Any application for reserved matters shall be accompanied by a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum 10% biodiversity net gain is to be achieved post-development and must detail the location and extent of all of the enhancement recommendations included in the EclA. The BEMP should 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 legal and funding 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 still delivers 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 LP 30.

2. Due to the likely presence of nesting birds, site clearance works shall not take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a careful, detailed check of the vegetation on site prior to demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

3. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Himalayan Balsam on site along with details on routine inspections for Japanese Knotweed and be informed by an updated invasive species survey of the site, in the optimal survey season.

Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

4. No development shall begin until details of a lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The proposed lighting scheme shall include details to demonstrate how artificial illumination of wildlife habitats (specifically the adjacent woodland) is minimised] and how light spillages can be minimised close to existing residential properties around the site. Lighting columns should reflect the scale and character of the town. The approved lighting scheme shall be implemented in accordance with the approved details and thereafter retained in perpetuity in a condition commensurate with delivering the agreed levels of illumination.

Reason: to prevent significant ecological harm in respect of direct impacts to bats and other protected species and to accord with policy LP30 and the requirements of section 15 of the National Planning Policy Framework.