

**Consultation Response from KC,  
Ecology Unit**

**2024/90534 land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX**

**Discharge of conditions 32 (boundary treatments), 37 (landscaping) and 38 (BEMP) of previous permission 2021/92086 for erection of 277 residential dwellings and associated infrastructure and access**

**Date Responded: 07/03/2024**

**Responding Officer: Gareth Hey**

**Responding Ref:**

Condition 38 on previous permission (2021/92086) states the following:

*Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall be in accordance with the submitted Biodiversity Impact Assessment (Futures Ecology, April 2022, ref: FE30/BIA01), shall provide a minimum of 15.5 habitat units and 4.52 hedgerow units post-development and shall include the following:*

- *Description and evaluation of features to be managed;*
- *Details of the extent and location/area of proposed enhancement works on appropriately-scaled maps and plans;*
- *Details corresponding with landscaping details to be submitted pursuant to condition 37;*
- *Details of ecological trends and constraints on site that might influence management;*
- *Aims and Objectives of management;*
- *Appropriate management actions for achieving Aims and Objectives;*
- *An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);*
- *Details of the management body or organisation responsible for implementation of the BEMP;*
- *Details of an ongoing monitoring programme and remedial measures; and*
- *Arrangements for the review and update of the BEMP every five years and its implementation for a minimum of 30 years.*

*The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer through the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the 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 conservation Aims and Objectives for the site. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.*

**Reason:** *To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain are agreed at an appropriate stage of the development process.*

In support of the above condition, the following information has been considered:

- Biodiversity Impact Assessment (Report Reference Number: FE30/BIA02)
- Biodiversity Enhancement & Management Plan (BEMP) (Report Reference Number: Report Reference Number: FE30/BEMP01)

The submitted information provides excellent detail on the measures to achieve the required level of habitat units at the site. In light of an updated calculation, the development will achieve 19.98 habitat units at the site, 4.48 units greater than required by the condition. The significant uplift is welcomed, and will ensure that the biodiversity value of the site and the commuted sum secured via the s106 agreement will allow for significant benefits for local wildlife.

In addition to the above, the management procedures detailed within the BEMP will ensure that habitats are maintained at the site for an extensive period of time, allowing biodiversity at the site to thrive, over the 30 year period.

Given the above, I support the discharge of this condition, as it will allow for an uplift in the biodiversity value of the site and the wider area, of the previously approved biodiversity net gain assessment.