

Lucy Taylor
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2024/147668/01-L01
Your ref: 2024/90548

Date: 31 December 2024

By email: dc.admin@kirklees.gov.uk

Dear Lucy

ERECTION OF VETERINARY SURGERY (USE CLASS E) AND ASSOCIATED WORKS INCLUDING THE FORMATION CAR PARKING AND LANDSCAPING. FORMER RIVERSIDE WORKS, HONLEY, HOLMFIRTH, HD9 6PW

Thank you for consulting us on this application which we received on 22 October 2024.

Flood Risk

The site lies within Flood Zone 1, low risk, and therefore we have no objections or comments to make from a flood risk perspective. However, we have been consulted because the proposed development lies adjacent to the river Holme which is designated as a 'main river' and as such any works close to the river may need a Flood Risk Activity Permit (FRAP).

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Biodiversity / Ecology

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10-metre-wide buffer zone around the river Holme (Holme from New Mill Dike to R Colne (GB104027063301) watercourse).

Condition

No development shall take place until a scheme for the provision and management of a 10-metre-wide buffer zone alongside the river Holme has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens, and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting, etc

Reasons

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This approach is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity.

Additionally, Policy LP34 of Kirklees Council Local plan states:

Proposals must:

1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:
 - a. the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;
 - b. water quality; and
 - c. the ecological value of the water environment, including the functionality of habitat networks

Construction Ecological Management Plan (CEMP)

We urge the LPA to condition the provision of a Construction Ecological Management Programme (CEMP) and would like to be consulted on it when when available. The CEMP should cover all species and habitats e.g. fish, bats and birds. Construction should not be allowed to commence until the document is provided and any condition discharged.

Invasive Species Management Plan

We suggest the LPA includes a condition for the applicant to provide an invasive species management plan, and we would like to be consulted on it for comment when available. This should include measures to treat and prevent spread of invasive species during and post construction. Construction should not be allowed to commence until the document is provided and the condition discharged.

The CEMP and the Invasive Species Management Plans were mentioned in the 'ECOLOGICAL IMPACT ASSESSMENT REPORT JCA Ref: 18440g/AWe Date of Report 15/08/2024'.

Lighting Plan

A lighting strategy has been provided 'Donaldson Veterinary Hospital Honley, Huddersfield External Lighting Light Pollution Assessment September 2024'. We suggest a condition is included to adopt a suitable lighting strategy that would ensure a dark corridor is maintained along the River Holme and its adjacent riparian corridor and the Woodland Fringe adjacent to this development. This is to avoid impacts on bats which forage along these habitats.

Further information required – 10% uplift not achieved for BNG Watercourse units

We request the applicant submits detailed information demonstrating how BNG Watercourse Units will be delivered on site.

When a development's Red Line Boundary (RLB) is within 8m of the bank top, applicants are required to apply for a Flood Risk Activity Permit (FRAP), if within 10 meters of the bank top, a Biodiversity Net Gain (BNG) Watercourse Assessment is also required. If the proposed development in its current location within the riparian zone of the River Holme was submitted as a FRAP, we would object to the proposal on the grounds of encroachment and require the inclusion of an 8 metre buffer zone from the bank top (as highlighted in the condition above). Due to the red line boundary of the site falling within 10m of the River Holme, a 10% uplift in Watercourse Units is required to be delivered on site.

The Biodiversity Accounting Assessment Report submitted by the applicant shows the baseline Watercourse units on site to be 0.53 (Table 2, page 21). The Watercourse units enhanced are shown also to be 0.53 (table 4, page 24). Table 7 shows no net uplift in watercourse units has been achieved on site.

A minimum of 10% uplift in Watercourse Units is required to meet the BNG trading rules. Therefore, we recommend the LPA requests the applicant to submit an updated BNG plan which demonstrates a minimum of 10% uplift in Watercourse Units.

To support this, the applicant should produce and submit a MoRPH River Condition Assessment (RCA) as part of their Biodiversity Net Gain (BNG) assessment. The RCA provides a baseline assessment of River Condition and will demonstrate appropriate enhancements that can be made to provide uplift to Watercourse Units on site.

Further information required: Statutory Biodiversity Metric excel spreadsheet not submitted

The applicant has not provided the Statutory Biodiversity Metric Excel spreadsheet.

We strongly recommend that the LPA request the full metric is provided and put on the portal as it is a useful tool to help consultees understand how the figures are achieved and the steps taken to lead to the conclusions made on delivery of units on site. Without having access to the whole metric, we only get to see a snapshot and the conclusions can be slanted in favour of the developer if we cannot see the full picture. For example, in the accompanying document 'ECOLOGICAL IMPACT ASSESSMENT REPORT JCA Ref: 18440g/AWe Date of Report: 15/08/2024' it indicates losses and gains in tables that provide a snapshot of the outcomes but as we are unable to fully analyse the data and the calculations to see if the trading rules have been met accordingly without sight of the full metric it makes it difficult to question if these figures are correct. As the document does make reference to the metric in this case, we would urge the local authority planners to request the full metric from the applicant.

We ask to be consulted on it once submitted.

Missed opportunity for river restoration to support implementation of RBMPs, Advice to LPA/applicant

In line with the Humber River Basin Management Plan, we recommend that the proposed development is used as an opportunity to restore more natural processes to the Holme from New Mill Dike to R Colne (GB104027063301) watercourse. The watercourse is heavily modified therefore has the target of achieving Good Ecological Potential. Under Policy LP34 of the Kirklees Council Local Plan, proposals are encouraged to "Make positive progress towards achieving 'good status or potential' under the Water Framework Directive in surface and groundwater bodies."

We recommend that enhancements are made to the watercourse to enhance aquatic habitats and in-channel morphological diversity. This would offer significant environmental gain and would support delivering Watercourse Unit uplift for the BNG requirements on site.

There is also opportunity for installation of bird boxes or nesting bricks, bat roosting boxes or roosting structures and swift bricks that could be attached/incorporated on the building. We would recommend this is considered.

Enhancing the water environment is also supported by Policy LP34 of the Kirklees Council Local Plan which states:

Proposals must:

1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:
 - a. **the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;**
 - b. water quality; and
 - c. **the ecological value of the water environment, including the functionality of habitat networks**

If you need any clarification or further information, please contact me.

Yours sincerely

Bev Lambert
Sustainable Places - Planning Advisor

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