

Lucy Taylor
Kirklees Metropolitan Borough Council
Development Management

Our ref: RA/2024/147181/02-L01
Your ref: 2024/91002

Date: 30 September 2024

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

Dear Lucy

FORMATION OF 2 OUTDOOR COVERED PADEL TENNIS COURTS WITH 9M HIGH POLYCARBONATE CANOPY, ONE UNCOVERED PADEL TENNIS COURT, RELOCATION OF MODULAR BUILDING AND EXISTING OUTDOOR TENNIS COURT AND ASSOCIATED CAR PARKING IMPROVEMENTS, THONGSBRIDGE TENNIS & FITNESS CLUB, MIRY LANE, THONGSBRIDGE, HOLMFIRTH, HD9 7RY

Thank you for re-consulting us on this application following submission of amended plans, which we received on 9 September 2024.

Flood Risk

We have no issues with the revised car parking layout from a flood risk perspective, provided the applicant can still comply with the condition we requested in our previous response dated 12 June 2024, which still applies. The information provided suggests they can, but if they can't, the applicant should explain what they cannot comply with. In this event we ask to be re-consulted so we can provide specific comments.

Biodiversity Net Gain

The revised car park drawing (LAD_563 / PPF-02 / Rev1) submitted states:

‘As the revised layout stays within already surfaced areas it does not impact any priority habitat, linear habitat (such as hedgerows) and is below the BNG threshold of 25m² of any on-site habitat. On this basis, no BNG calculations are submitted as part of the application.’

As stated in our previous response, the de minimis exemption, referenced here, as set out in the legislation, applies to development that does not impact a priority habitat and impacts less than 25 square metres (eg 5m x 5m) of non-priority onsite habitat or 5m for non-priority onsite linear habitats. Equally, if a development impacts less than 25 square meters of non-priority habitat but 5m or more of non-priority linear habitat is negatively impacted, or vice-versa, then the exemption will not apply, and all habitats will be subject to full BNG assessment.

We consider that the revised plan does not suitably demonstrate the exemption would apply with regards to the watercourse habitats. The plan is not very clear and appears to show tarmacked surfacing, parking spaces and tree planting encroaching on the two watercourses (within 10m from bank top) and along a length of greater than 5m.

Furthermore, although the applicant mentions linear habitat, they have focused solely on the 25m2 exemption rule with no reference to the 5m rule nor the watercourses (which would fall within this category) therefore it is unclear if the 5m rule would also apply or not. As it is being left open to personal interpretation, it is not clear whether the de minimus exemption applies with regards to watercourses and as such we ask that the LPA recommend that the applicant submit an improved revised plan that suitably demonstrates where the watercourses are, and where the bank top is with lengths and distances shown.

Ecology

There is still no preliminary ecological appraisal (PEA) provided, nor any mention of it within the submission. As stated previously, with the information provided and without an appropriate ecological assessment of the site it is difficult to judge the importance and quality of the local habitats that could still be impacted, albeit on a smaller scale by the proposed change, nor can we fully assess whether there is potential for protected species within the vicinity of or within the red line boundary. With two watercourses and woodland so close, which are priority habitats, we recommend at least a PEA to be undertaken and therefore recommend that the LPA request a PEA is provided by the applicant. Once submitted, we ask that we be re-consulted.

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

Yours sincerely

Bev Lambert
Sustainable Places - Planning Advisor

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