

**From:** ENVU Biodiversity and Land Use  
**Sent:** 22 April 2025 09:44  
**To:** Planning ContactCentre  
**Cc:** William Simcock  
**Subject:** 2024/91591 at location Land off, Bankwood Way, Birstall Retail Park, Birstall, Batley, WF17 9DT  
**Attachments:** 2024/91591 - review of feasibility of BNG offsite

Hi There,

Please see my comments below.

I appreciate that this is in reference to condition 15 of the Planning Decision of the GRANTED application 2021/62/92528/E.

In my previous correspondence I mentioned concerns regarding the accuracy of the BNG calcs and report.

Following a review of the new information attached I can confirm that this is reasonable and acceptable, and that off-site gain is needed in order to achieve the condition.

With regards to the requirements of Condition 15

A Biodiversity Net Gain Assessment has been provided; however, this assessment shows a net loss of 1.18 biodiversity (habitat) units on-site. At least 1.396 habitat units is required to achieve 10% net gain. The report shows no plan to make up for the shortfall.

In the report and metric, it is noted that a significant (>0.5 biodiversity units) onsite net gain of 0.54 hedgerow units. This does not need to be secured for 30 years but could be secured by a simple landscaping condition, if appropriate, to ensure it is provided and maintained for an aftercare period.

As for the shortfall - we recommend the applicant provides at least an outline of the intended route to achieving off-site net gain.

It would be good to have this information in advance of a planning decision because, if offsite gain is required, it will need to be secured with a section 106 agreement. If a section 106 agreement is needed, we recommend the applicant provides sufficient information for the heads of terms of an agreement prior to determination of the application

In addition to the information already provided, this information would comprise:

- A plan that follows the UK Habitat Classification showing the spatial locations of the habitats represented in the enhancement and/or creation tabs of the biodiversity metric (i.e. the target habitats).
- The georeferenced spatial data used to create both above plans (in either .shp or .gpkg format) and written permission to share this data with West Yorkshire Records Centre.
- A 30-year Habitat Management and Monitoring Plan (HMMP)

The Biodiversity Net Gain Plan has been reviewed and is reasonable and acceptable for habitats remaining on-site.

***Condition 15 is not met as the proposals do not deliver 10% net gain.***

Hope this helps.

Many thanks,  
Katie

Ecology Team  
Planning and Development Service  
Place Directorate – Skills and Regeneration  
PO Box 1720,  
Huddersfield,  
HD1 9EL



**From:** Katie Smart  
**Sent:** 13 March 2025 13:00  
**To:** William Simcock  
**Subject:** 2024/91591 - review of feasibility of BNG offsite

Hi William,

Just a few notes on this one.

I appreciate that this is in reference to condition 15 of the Planning Decision of the GRANTED application 2021/62/92528/E.

Original condition was

*“Prior to the commencement of development (including ground 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 Biodiversity Metric 2.0 calculations dated 09/11/2021 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. The BEMP shall provide a minimum of 0.30 habitat units and 1.08 hedgerow units post-development and shall include the following:*

- *Description and evaluation of features to be managed and enhanced;*
- *Extent and location/area of proposed enhancement works on appropriately scaled maps and plans;*
- *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;*
- *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 the Aims and Objectives of the originally-approved BEMP. The development shall be implemented in accordance with the approved BEMP.*

**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 submitted and approved at an appropriate stage of the development process.”*

In 2024/91591 there is a covering letter stating that:

*“A revised Biodiversity Net Gain accompanies this application. This confirms that the development proposals will result in a net loss of 62.03% in biodiversity value, compared to a loss of 82.33% as set out in the approved application. The recommendations of this report remain as previously approved, including the inclusion of bat roost and bird nesting features to provide enhancements. Condition 15 should be updated to reference the revised biodiversity values, as shown in the accompanying BNG Technical Note (13438\_R02h\_EG\_AHS).”*

As a result, I have the metric, May 2024 TG Report No. 13438\_R02h\_EG\_AHS, and the covering letter discussing net loss of 62.03% - I'll need to base my judgement on these.

With regards to the BEMP, provided in July 2024 (TG Report No. 13438\_R03\_AHS) there are a couple of issues:

1. I am not in possession of a metric which shows the offsite BNG being achieved as described in sect. 4.4 of the May 2024 TG Report No. 13438\_R02h\_EG\_AHS:

*“To achieve a 10% net gain, as targeted by Kirklees Council and emerging National Policy, it will therefore be necessary for the creation of an additional 1.29 biodiversity units off-site. This is calculated as: 10% increase on baseline of 1.80 = 1.98. Residual post-development value = 0.69. 1.98 – 0.69 = 1.29 units”*

**As a result, your query earlier on whether the offsite credits are feasible cannot be answered.**

2. There is a further iteration of the BNG report from March 2025 (TG Report No. 13438\_R02i\_EG\_AHS). There are a couple of issues on this:
  - A. Why is the baseline in this report different to that of the original May report? Also, there is no metric to support the March 2025 report.
  - B. Again, there is no metric to the offsite BNG being achieved, as described in issue 1. Above.
  - C. It is not mentioned in any letter WHY this report has been provided.

**As a result, I am unable to accept this report, and must refer back to May 2024 TG Report No. 13438\_R02h\_EG\_AHS.**

Hope this helps. Happy to chat further once I have an updated metric showing offsite BNG.

Many thanks,

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