

From: ENVU Biodiversity and Land Use

Sent: 01 April 2025 15:39

To: Planning ContactCentre <Planning.ContactCentre@kirklees.gov.uk>

Cc: Katie Chew <Katie.Chew@kirklees.gov.uk>

Subject: 2024/91998 at location former, Almondbury High School, Fernside Avenue, Huddersfield, HD5 8PQ

Hi Katie,

Please see my commented below regarding ecology.

Designated sites

No issue.

Onsite habitats and species

The Ecological Impact Assessment is reasonable and acceptable. Recommendations on mitigation and enhancements have been provided for habitats, bats, birds, badgers, hedgehogs, and Invasive Species. These can be covered in a CEMP.

A bat survey was also completed, this is reasonable and acceptable. A day roost for common pipistrelle bats was found in Building 1. A European Protected Species Licence will be required.

Schedule 9 (WCA 1981) invasive species, wall cotoneaster, was found on-site. An Invasive Species Removal Plan will need to be provided prior to works on-site.

BNG

The Biodiversity Net gain Assessment is reasonable and acceptable.

The report confirms that a net gain of 2.17 habitat units and 0.35 hedgerows units will be achieved on-site.

We consider that the onsite element of the BNG proposal will result in significant onsite gain. This will need to be secured for 30 years. A planning condition is the most appropriate way of securing the gain in this case.

Suggested conditions:

Habitats / Species

A condition for a CEMP: Biodiversity (Construction Environment Management Plan) is advised, e.g.

No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with LP30 and NPPF15.

Bats

Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

No works are to commence without the council first receiving a copy of the European Protected Species (EPS) licence or correspondence from the relevant statutory body (Natural England) stating that such a licence is not necessary.

Reason: For the LPA to discharge its duties as a competent authority under The Conservation of Habitats and Species Regulations 2017 (as amended) in relation to European Protected Species.

Significant Onsite Gain

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- a. a non-technical summary;*
- b. the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- c. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
- d. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
- e. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.*

Notice in writing shall be given to the Council when the:

- a. HMMP has been implemented; and*
- b. habitat creation and enhancement works as set out in the HMMP have been completed.*

Within 6 months of the development being in use:

- a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
- b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*
- c. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.*

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Hope this helps.

Many thanks,

Katie

Ecology Team

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