

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended)**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR  
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	<b>2024/44/92666/W</b>
Site Address:	Syngenta Ltd, Leeds Road, Huddersfield, HD2 1FF
Description:	Discharge of details reserved by condition 3 (Construction Environmental Management Plan) of previous permission 2022/93766 for erection of three industrial sheds on existing industrial site
Recommending Officer:	Farzana Tabasum

**DECISION – Discharge of Condition – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Nick Hirst

***AUTHORISED OFFICER***

**Date: 07-Feb-2025**

**Application:** 2024/44/92666/W

**Site:** Syngenta Ltd, Leeds Road, Huddersfield, HD2 1FF

**Proposal:** Discharge of details reserved by condition 3 (Construction Environmental Management Plan) of previous permission 2022/93766 for erection of three industrial sheds on existing industrial site

## **Assessment**

### Condition 3 (Construction Environmental Management Plan: Biodiversity)

*3. No development shall take place (including demolition, ground works, vegetation clearance) 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. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information.*
- a. Identification of "biodiversity protection zones", where appropriate.*
- b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- c. The location and timing of sensitive works to avoid harm to biodiversity features.*
- d. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.*
- e. Responsible persons and lines of communication.*
- f. Use of protective fences, exclusion barriers and warning signs, where appropriate.*

*The approved CEMP 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:** *To ensure, as far as possible, that direct impacts to protected and priority species are avoided during construction of the scheme, to maintain and enhance habitat networks and ecological interest within the site and continued function of the adjacent Kirklees Wildlife Habitat Network, in accordance with guidance in the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate ecological measures are designed and agreed prior to commencement of any potentially damaging operations associated with the construction phase.*

This discharge of condition application is accompanied with the following details:

- Constructional Environmental Management Plan, ref 22294/Awe, dated 25/08/2024, produced by JCA Ltd Arboricultural & Ecological Consultants

For context to the proposal, it is important to note that at the time of considering the details submitted in relation to application 2022/93766, the council's Ecology Officer advised that:

*“considering that this development will largely occur on already developed land, I do not consider it proportionate to request updated survey information, when the 2021 report allows me to assess the potential ecological risks related to the wider site.*

*Given the above, I do not anticipate there will be major ecological impacts given the nature of the proposed development. However, given the proximity of the site to the wildlife habitat network to the east of the site, there is potential for dust and noise disturbance from the development site to impact ecological receptors that may utilise this area.”*

The submitted CEMP addresses the requirements of condition 3 as set out below:

*a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information.*

This CEMP has been produced to remove or reduce the ecological impacts of construction works for the proposed development with regards to the Kirklees Wildlife Habitat Network, and surrounding habitats, to avoiding harm and disturbance to these habitats and such species as may be using them during the course or works. The report has been prepared and provided in accordance with the British Standard 42020: Biodiversity– Code of practice for planning and development and the CIEEM's Code of Professional Conduct.

*a. Identification of “biodiversity protection zones”, where appropriate.*

The CEMP sets out at para 1.5.3 that the KWHN is approximately 9m from the siting of the proposed development at its closest point. This corresponds with the information provided on the councils in house geographical information system.

*b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

Para 1.6.2 of the CEMP states that appropriate mitigation measures, detrimental impacts and breaches of current UK wildlife legislation will be avoided. Without these measures there is the risk of adversely impacting the Kirklees Wildlife Habitat Network and surrounding habitats, and protected species, including nesting birds, bats, badgers, hedgehogs, and other species

which may be present. Section 4 of the report breaks down potential impacts to ecological features and species, then outlines methods to avoid harm.

The CEMP advises that method statements will also be prepared for specific activities prior to the works commencing which is stated to include environmental protection, mitigation measures and emergency preparation suitable to the activity covered. This will be reviewed by the Construction Site Manager along with the review of key Method Statements prior to their issue, as stated in paragraph 3.3.4 of the CEMP. Specific mitigation measures to prevent adverse impacts on protected species and habitats are set out in Section 4.8 of the CEMP.

*c. The location and timing of sensitive works to avoid harm to biodiversity features.*

No specific sensitive working locations or times are identified; however, the CEMP includes details throughout of general sensitive working practice and actions to be carried out during construction works, to avoid harm to the biodiversity features. This includes the methods to control light spillage, noise and dust mitigation measures, as well as use of light machinery. Section 4.8 (Nature Conservation) also advises that night working should be avoided, and any excavations should be covered overnight or a safe route provided for hedgehogs and other mobile species to leave the site.

*d. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.*

and

*e. Responsible persons and lines of communication.*

With reference to d. above, the CEMP identifies that a specialist ecologist will not be required specifically during the construction, given the nature of the site and works. However, should clearance take place during the bird breeding season, an ecologist will be required.

With respect to e. above, at paragraph 3.2.2 it is acknowledged that procedures for monitoring construction processes against the project environmental objectives will be proposed by a contractor and agreed with the client project manager, prior to construction work commencing. Paragraph 4.7 identifies the responsible persons, noting that the principal contractor would be ultimately responsible for the execution of this CEMP and must comply to the recommendations made in this CEMP. Paragraph 4.8.1 also states the construction environmental manager is required to monitor ecological measures and ensure protected species are safeguarded.

This is appropriate, however, it is to be noted on the decision notice that, where necessary and appropriate, specialist ecologists will need to be present on site to oversee any works to ensure that direct impacts to protected and priority species are avoided during construction of the scheme.

*f. Use of protective fences, exclusion barriers and warning signs, where appropriate.*

The CEMP advises that the use of protective heras fencing of at least 1.8 m high is proposed to be installed around the development area and will be retained for the duration of the works to prevent species such as badgers, hedgehogs, foxes, and domestic pets from commuting onsite and to prevent construction works causing any damage to the Kirklees Wildlife Habitat Network and surrounding habitats and retained habitats close to construction. It is also advised that the fence should be inspected regularly and repaired as necessary for the duration of the works.

### Summary

Officers are satisfied that the submitted document adequately considered and addresses all requirements of condition 3. It is therefore recommended to be approved.

However, the condition has an ongoing requirement that prevents full discharge at this time, which is recommended to be noted on the decision letter.

### **DECISION TEXT**

#### Condition 3 (Construction Environmental Management Plan: Biodiversity)

You have submitted the following details pursuant to condition 3:

- Constructional Environmental Management Plan, ref 22294/Awe, dated 25/08/2024, produced by JCA Ltd Arboricultural & Ecological Consultants

The submitted details are considered acceptable and are hereby approved.

You are however reminded that, for the purposes of point 'd' of condition 3 and in accordance with the submitted document, it should be noted that where necessary and appropriate a specialist ecologists will need to be present on site to oversee any works to ensure that direct impacts to protected and priority species are avoided, during construction of the scheme.

Further to the above, you are reminded of condition 3's ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

*The approved CEMP 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.*

**Report dated:** 05/02/2025.

