

**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>2024/44/92893/W</b>
Site Address:	Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield, HD4 7AD
Description:	Discharge of conditions 23 (Bat Survey), 24 (Protected Species Surveys), 25 (Biodiversity CEMP) and 38 (Arboricultural Assessment) of previous outline permission 2020/92546 (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works
Recommending Officer:	Nick Hirst

**DECISION – Discharge of Conditions – 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.**

*Victor Grayson*

**AUTHORISED OFFICER**

**Date: 14/02/2025**

**Application:** 2024/44/92893/W

**Site:** Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield, HD4 7AD

**Proposal:** Discharge of conditions 23 (Bat Survey), 24 (Protected Species Surveys), 25 (Biodiversity CEMP) and 38 (Arboricultural Assessment) of previous outline permission 2020/92546 (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works

## **Assessment**

### Condition 23 (Bat Survey)

*23. Prior to the commencement of a phase of the development, including demolition, existing buildings or structures included within the proposed development are to be surveyed for the presence of bats by a qualified ecologist. A written report shall be submitted to the Local Planning Authority for approval. This shall identify the need for further surveys and/or mitigation measures to be included in the relevant phase.*

**Reason:** *In the interests of preserving and enhancing the natural environment.*

The following details have been provided pursuant to this condition:

- Bat Emergence Survey Report dated October 2024
- Aerial Tree Bat Survey Report dated November 2024
- Bat Activity Report dated November 2024
- Blackmoorfoot Additional Buildings – Dusk Emergence Survey dated June 2024

The Bat Emergence Survey Report, the purpose of which is to identify roosts, includes the following executive summary of the report's findings:

*A Preliminary Roost Assessment (PRA) was undertaken by Ecus Ltd in October 2023 (Ecus Ltd. 'Blackmoorfoot – Preliminary Roost Assessment V1.0', report reference 20899, dated February 2024) (PRA, Ecus 2024) which identified a total of 73 buildings as displaying suitability for roosting bats following good practice guidelines (Collins, 2023). A further four buildings that were found as part of ongoing surveys at the Site during 2024 were identified as displaying suitability for roosting bats. As such, further survey comprising of a suite of bat emergence and re-entry surveys were undertaken between May and September 2024 to determine the presence or likely absence of roosting bats within buildings and characterise any bat roosts present.*

*A previous PRA undertaken at the Site followed by subsequent bat emergence surveys of the buildings were undertaken by Tyler Grange Group Ltd in 2017 ('Land off Blackmoorfoot Road and Felks Stile Road, Huddersfield - Ecological Addendum Note', dated August 2020, Report Ref: 10925\_R05), which identified the Bungalow building to contain a common pipistrelle Pipistrellus pipistrellus day roost.*

*One roost location was recorded for the buildings surveyed at the Site during the emergence and re-entry surveys undertaken between May and September 2024, which pertained to a common pipistrelle day roost located within Building 4 & 26. No bat roosts were recorded for the other buildings present across the Site.*

*Due to the proposals resulting in the demolition of B4 & B26 and destruction of a common pipistrelle day roost, a European Protected Species (EPS) mitigation licence issued by Natural England would be required to allow demolition of these buildings to lawfully proceed.*

*The licence application would include a bat mitigation strategy designed to maintain the Favourable Conservation Status (FCS) of the identified roost and would detail measures to minimise disturbance and avoid death or injury to bats during the demolition process. These measures would include:*

- Timing the works appropriately to ensure the least impact upon bats, namely undertaking the demolition of B4 & B26 to avoid the recognised bat hibernation period (November to March inclusive) where feasible;*
- Pre-demolition inspection as appropriate;*
- Exclusion of the identified roost prior to demolition, where feasible*
- Supervision of demolition works by a licensed bat ecologist who is named or accredited to act under the bat mitigation licence for the Site;*
- All contractors working on the project to be briefed on the presence of bats and appropriate working practices by the Named Ecologist or an Accredited Agent through a pre-works Toolbox Talk (TBT) (see section 4.4.2);*
- Temporary bat roosting provision, such as bat boxes erected on retained trees on Site, for the relocation of any bats encountered during the supervised works; and,*
- Long term mitigation to be installed to ensure continuous roost provision for bats. The type of mitigation required would be informed with reference to the 'UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats' (Reason, P.F. and Wray, S, 2023), but the provision of integrated bat boxes into newly built properties is likely to be adequate (see section 4.4.5).*

*Whilst the likely absence of bat roosts has been determined for all other buildings at the Site, the presence of bats roosting in the buildings in the future cannot be ruled out due to the mobile nature of bats, the number of buildings with suitable roosting features at the Site, and the historic record of a common pipistrelle day roost identified within the Bungalow building. As such, it is recommended that demolition works Site wide are undertaken in accordance with a Bat Reasonable Avoidance Method Statement (Bat RAM MS) in order to minimise the risk of committing an offence under the relevant legislation.*

*The Bat RAM MS should recommend a pre-works TBT, sensitive working measures during building demolition (where appropriate), on-call ecologist support as required, and avoidance of demolition during the hibernation period wherever possible. In the unlikely event that any evidence of roosting bats is identified or suspected at any time during the demolition works, such as live or dead bats, droppings and feeding remains, works should cease immediately (where safe and practical to do so). It is likely that the on-call ecologist would need to attend Site before any works recommence to determine how works may proceed legally, which may include the requirement for additional mitigation licencing issued by Natural England where appropriate.*

*It is recommended that bat roosting provision is included within all of the newly built properties to compensate for the loss of the confirmed common pipistrelle day roost, other PRFs associated with the Site, and contribute towards overall ecological enhancement at the Site. A combination of integrated boxes (e.g. Habitat integrated bat boxes) and ridge boxes (e.g. Manthorpe Bat Ridge Roost) at a ratio of 50:50 is a preferred option relative to externally mounted boxes as they are less susceptible to damage. Bat boxes should be positioned at eaves level (at least 4 m above the ground where possible) facing suitable foraging habitat in locations away from direct and indirect lighting, as far as possible. Final placements should be agreed with an ecologist at the design stage.*

*Mitigation measures should be implemented whereby the lighting and layout of the proposed development (as well as any temporary lighting to be used during the construction phase) would be designed to avoid lightspill onto suitable retained habitats and created greenspace to safeguard these habitats as foraging, commuting and potential roosting resources. Lighting design should follow current guidance from the Bat Conservation Trust 'Bats and Artificial Lighting at Night' (Guidance note 08/23).*

*The results of these surveys are valid for a period of 12 months, as such, if works to demolish the buildings have not commenced by September 2025, it is recommended that an update PRA and bat emergence survey(s) are undertaken to account for any potential changes in the suitability of the buildings for roosting bats. Any mitigation licence*

*application requires survey information to be obtained during the most recent survey season prior to application.*

The Bat Activity Report, which assess bats' use of the site as a habitat, provides the following executive summary:

*The bat activity surveys were recommended following a Preliminary Ecological Appraisal (PEA) undertaken by Ecus Ltd ('Land off Blackmoorfoot Road, Huddersfield – Preliminary Ecological Appraisal'. Report reference: 20899 V1.0, August 2023), in which the Site was assessed to display 'High' suitability for foraging and commuting bats. The autumn swarming surveys were recommended following an assessment of the Site to support swarming behaviour during the summer NBW survey, where two locations (hereafter referred to as 'the North Quarry' and 'the South Quarry') were considered suitable for autumn swarming.*

*During the PEA, habitats at the Site comprised grassland - other neutral grassland (g3c) and modified grassland (g4), areas of heathland and shrub – lowland heathland (h1a), mixed scrub (h3), blackthorn scrub (h3a), hazel scrub (h3b), bramble scrub (h3d) and wouldow scrub (h3j), woodland and forest – other broadleaved woodland types (w1g7), urban – other developed land (u1b6), artificial unvegetated; unsealed surface (u1c) and buildings (u1b5).*

*Ecus were also commissioned to undertake bat emergence surveys of buildings (Ecus Ltd, Bat Emergence Survey Report', V1.0, document reference: 20899, October 2024) and a Ground Level Tree Assessment (GLTA) (Ecus Ltd, 'Land off Blackmoorfoot, Huddersfield – GLTA', V1.0, document refence: 20899, September 2024) (Ecus, 2024) at the Site, the results of which should be read in conjunction with this report.*

*The NBW surveys carried out at the Site in spring, summer and autumn 2024 have identified consistent low levels of bat activity at the Site, with the majority of activity focussed along the northern boundary of the Site notably close to areas of broadleaved woodland and mixed scrub, which is likely to provide foraging opportunities and flightline resources between roosts and foraging territories in the wider area.*

*The static monitoring surveys have identified up to high levels of common pipistrelle *Pipistrellus pipistrellus* bat activity at the Site at some locations (i.e. up to moderate at Location A and up to high at Locations D and F; Figure 4), suggesting that the woodland and scrub habitats may be used as part of a core foraging ground and flightline resource for common pipistrelle bats, although there is availability of similar to higher quality habitat in the wider area off-Site. Low levels of bat activity have been recorded for all other species at all locations surveyed at the Site, suggesting that the Site is used by no more than low numbers of these species as a foraging and/or as a flightline resource.*

*Based on the common and widespread species assemblage associated with the Site and in consultation with the 'UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats' (2023) (Reason and Wray, 2023), the Site is considered to be of no more than local value to foraging and commuting bats.*

*The loss of the majority of broadleaved woodland, mature scrub and other vegetated habitats across the Site, including the loss of mature trees and buildings with suitable roosting features present as discussed in the bat emergence survey and GLTA reports (Ecus, 2024), is considered to result in a minor loss of roosting habitat, with up to local level impacts upon foraging and flightline resources for bats with habitats to be lost which are interconnected across the Site and with suitable habitat in the wider area off-Site.*

*The existing functional connectivity of the Site for bats should be maintained wherever possible. This would include the retention of vegetation along the northern boundary of the Site as well as the corridor of woodland running from north to south through the Site. It is understood however that retention of the corridor running from the north to the south is not possible due to the reduction in developable land that would conflict with the amount of POS that is required to be provided.*

*The creation of new habitats on Site as part of the proposals within areas of POS including a mix of neutral grassland (wildflower grassland), mixed scrub and native tree planting would help retain connectivity across the Site by providing alternative routes of suitable habitat for bats to forage and commute across the Site and would at least partially offset habitat loss required to facilitate the development but only in the medium to long-term given that there would be a time lag between habitat loss and new planting reaching equivalent levels of maturity to what exists on-Site. It is recommended that the final landscaping scheme should aim to incorporate a high abundance and diversity of native trees and shrubs and incorporate flowering/fruitlet species as well as night scented flowers to improve the foraging resources available for bats.*

*Overall, it is acknowledged that the development would result in an overall reduction in the available foraging and flightline resources on Site from that which is currently available with impacts at up to the local level. Given the limited possibility for increased on Site retention and enhancement of key foraging and flightline resources on Site for bats; it is recommended that any off-site Biodiversity Net Gain (BNG) delivery includes a range of opportunities for foraging and commuting bats locally (e.g. tree planting, hedgerow /scrub /woodland creation/enhancement).*

*It is recommended that the areas of woodland, trees and mixed scrub to be retained on Site are protected during the construction works to avoid physical damage (e.g. from machinery encroachment). This may be through the installation of temporary fencing to avoid direct access. This*

*would enable foraging and commuting bats to continue to use the habitats during construction.*

*During construction and post-development, sensitive lighting should be implemented to avoid any unnecessary light spill onto retained and created habitats as well as off-site habitats. For post-development lighting, it is recommended that a sensitive lighting plan is produced by a lighting engineer in conjunction with a suitably experienced ecologist. It is also recommended that measures within the 'Bats and Artificial Lighting at Night' document (Institution of Lighting Professionals, 2023) are implemented.*

*It is recommended that information packs are distributed to properties across the Site to inform residents about the value of the Site and wider area as a foraging and commuting resource for bats. Other information should be provided covering the other types of wildlife present in the surrounding area and should encourage residents to manage their gardens in a wildlife-friendly manner, such as through the inclusion of native shrub planting and wildflower meadow areas in gardens. These features would attract invertebrates such as moths, and subsequently provide foraging resources for bats.*

*Overall, based on the findings of the surveys and taking into account the habitat loss associated with development proposals for the Site, it is considered that impacts as a result of the proposed development are of local level importance to foraging and commuting bats where the mitigation outlined is followed in full.*

*Overall results from the autumn swarming surveys undertaken at the Site conclude that the Site is considered unlikely to be used as a swarming site for bats and no further survey or mitigation/compensation with regards to swarming bats is considered necessary.*

As previously stated, each of the above are executive summaries. Each report goes into greater detail regarding the methodologies, findings, and the respective assessments undertaken, and these have been reviewed by officers. In summary, officers accept the findings of the survey reports and the above executive summaries set out the reasoning as to why.

In terms of the proposed mitigation, the below is a combined list of the recommendations and mitigation proposes across the two documents, with officers' comments:

- A European Protected Species (EPS) mitigation licence issued by Natural England would be needed for the demolition of buildings B4 and B26 which hosts a common pipistrelle day roost.

**Officer comment:** This is a separate legal process and, while it may be referred to in the council's decision notice, it falls outside the remit of the planning process to control. The council's decision relating to this Discharge of

Conditions application need not (and should not) duplicate the controls that already exist in the form of Natural England's licensing requirements.

- Demolition works site-wide to be undertaken in accordance with a Bat Reasonable Avoidance Method Statement

**Officer comment:** This is noted, and it is recommended that this be stipulated in the council's decision notice as a prescriptive requirement.

- A combination of integrated boxes (e.g. habitat integrated bat boxes) and ridge boxes (50/50 mix) across the whole site.

**Officer comment:** This is noted, and it is recommended that this be stipulated in the council's decision notice as a prescriptive requirement.

- Lighting design strategy required to mitigate impacts on local species.

**Officer comment:** This is noted, and it is recommended that this be stipulated in the council's decision notice as a prescriptive requirement (although such details may be submitted under a Reserved Matters application).

- Survey findings only valid for 12 months, after which a new survey would be needed.

**Officer comment:** This is noted, and it is recommended that this be stipulated in the council's decision notice as a prescriptive requirement. Should demolition not commence within 12 months, a further submission shall be required.

- The final landscaping scheme should aim to incorporate a high abundance and diversity of native trees and shrubs and incorporate flowering/fruited species as well as night scented flowers to improve the foraging resources available for bats.

**Officer comment:** This shall be secured via the Reserved Matter of Landscape and/or discharge of condition 27 (Ecological Design Strategy to secure net gain, to be considered via separate Discharge of Condition application).

- Any off-site Biodiversity Net Gain (BNG) delivery should include a range of opportunities for foraging and commuting bats locally (e.g. tree planting, hedgerow/scrub/woodland creation/enhancement).

**Officer comment:** This is noted. The details regarding BNG are controlled via condition 27 and the seventh schedule of the outline permission's Section 106 agreement. In the event that an off-site provision and/or contribution is required, such recommendations shall be considered.

- The areas of woodland, trees and mixed scrub to be retained on site should be protected during the construction works to avoid physical damage (e.g. from machinery encroachment).

**Officer comment:** This is proposed in the applicant's Construction Environment Management Plan: Biodiversity (CEMP: Biodiversity) pursuant to condition 25 (considered below) and shall be controlled via that condition's ongoing requirement for adherence to the approved CEMP: Biodiversity document.

- Information packs should be distributed to properties across the site to inform residents about the value of the site and wider area as a foraging and commuting resource for bats. Other information should be provided covering the other types of wildlife present in the surrounding area and should encourage residents to manage their gardens in a wildlife-friendly manner, such as through the inclusion of native shrub planting and wildflower meadow areas in gardens. These features would attract invertebrates such as moths, and subsequently provide foraging resources for bats.

**Officer comment:** This is noted, and it is recommended that this be stipulated in the council's decision notice as a prescriptive requirement.

In summary, the survey work undertaken and the ecological mitigation measures are considered acceptable. It is therefore recommended that the submitted details be approved, with a note regarding the required mitigation measures (referring to the above notes) to be included in the council's decision notice.

#### Condition 24 (Protected Species Surveys)

*24. Prior to the commencement of a phase of development, including demolition, site preparation or clearance, protected species surveys shall be carried out and completed by an appropriately qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the Ecological Addendum Note (10925\_R05) dated 3rd August 2020 and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development for the relevant phase of development, including the need for any additional surveys. The survey report, together with a mitigation strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development on the relevant phase and shall be thereafter implemented as agreed.*

**Reason:** *In the interests of preserving and enhancing the natural environment.*

Given this condition relates to protected species, there is a degree of sensitivity surrounding this condition. Some of the information relating to condition 24 shall not be placed in the public domain.

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Condition 25 (Biodiversity CEMP)

*25. No development shall take place within a phase (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) for that phase 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;*
- b) Identification of “biodiversity protection zones”;*
- c) 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);*
- 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 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details for that phase.*

**Reason:** *In order to protect the natural environment.*

The applicant has submitted the document titled Construction Environmental Management Plan (Biodiversity), dated September 2024, pursuant to condition 25. The component parts of condition 25 are considered below.

- *Risk assessment of potentially damaging construction activities;*
- *The location and timing of sensitive works to avoid harm to biodiversity features; and*
- *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).*

Section 2 of the report is the detailed risk assessment, with table 2.1 covering the identified risks and mitigation measures proposed to negate the risk. Section 4 relates to specific measures to avoid, or reduce impacts, during site clearance works.

The details submitted are acceptable, in compliance with the above subsections.

- *Identification of “biodiversity protection zones”;*
- *Use of protective fences, exclusion barriers and warning signs.*

Figure 4.1 of the report identifies both biodiversity protection zones and dark corridors in and around the site. Paragraphs 4.2 and 4.3 provide details on how these would be managed, including the erection of fencing to ensure construction activities are kept clear. This includes a typical heras fencing scheme being shown in figure 5.1 and the use of signage, with section 5 giving details of their proposed use.

The details submitted are acceptable, in compliance with the above subsections.

- *The times during construction when specialist ecologists need to be present on site to oversee works;*
- *Responsible persons and lines of communication;*
- *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;*

Section 6 of the submitted report details the roles and responsibilities for the ECOW, including when their attendance is required. Section 7 of the report details the other responsible persons and the lines of communications.

The details submitted are acceptable, in compliance with the above subsections. Officers therefore recommend that the submitted details be approved. However, the condition has an ongoing requirement preventing full discharge at this time. A note of the ongoing requirement is recommended to be included in the council's decision notice.

#### Condition 38 (Arboricultural Assessment)

*38. Prior to any works commencing within a phase, an updated tree survey shall be undertaken to identify those trees in the relevant phase capable of retention and capable of providing a contribution to the future site use. It shall also identify any trees to be removed and in the case of removal, present a detailed tree mitigation strategy for that phase or (as relevant) the whole site.*

**Reason:** *In the interests of biodiversity, climate change and securing an appropriate landscape scheme.*

The applicant has submitted the Arboricultural Impact Assessment dated February 2025 and a Landscape Masterplan ref. GLY0043 MP01A pursuant to this condition.

The AIA identifies the following trees on the site at present:

- Four individual trees were classified as Category A – High Quality;
- 127 trees and/or groups were classified as Category B – Moderate quality;
- 164 trees and groups were classified as Category C – low quality;
- 10 trees or tree groups were classified as Category U – Specimens deemed to be either declining, dead or dangerous; and
- Post initial baseline surveys, a further seventy trees and tree groups have been identified on site and range in categories U, C and B.

The survey identified a number of trees that are subject to Tree Preservation Orders, as detailed in section 1.11 of the report.

The proposal would result in extensive tree loss within the site, and some tree loss on the boundary. This was expected at outline stage, where the following was stated:

*10.65 Within the site, although landscaping is a Reserved Matter for future consideration, it is recognised that a large, phased development of this scale would always require significant changes to the existing landscape. That is particularly the case on the Black Cat site due to the extent of man-made structures/levels across the site and the absence of tree and vegetation management across it. Many of the tree groups are situated on man-made platforms that would need to be cleared to create appropriate development plateaus. The change of use of the site to residential development would require a new arrangement of built form*

*and associated green infrastructure, resulting in a number of existing buffer / screening planting groups requiring removal due to their unsuitability within a new residential scheme and the impact on the aspirations for new green infrastructure. It is therefore expected that a high number of trees would need to be removed. However, this is predominantly limited to low quality regenerative trees that have become established following absent tree and vegetation management across the site.*

*10.66 The Council's Tree Officer has advised that whilst there may be a few other areas where more trees could be retained, this can be resolved during the submission of Reserved Matters. A detailed design/layout for the site should utilise detailed tree survey data at an early stage and seek to retain those trees capable of providing a contribution to the future site use. Given the tree cover on the site at present, a detailed and substantial tree mitigation strategy would be required to form part of a detailed application for the site layout. Consequently, at that time, the reserved matters would need to be supported by an updated impact assessment and an Arboricultural Method Statement. This would demonstrate the protection of retained trees throughout the various phases of construction. The scheme should also seek to meet Green Streets Principles to ensure a good level of canopy cover across the built areas of the site. On this basis, however, there is no objection to the scheme in this regard and it sufficiently accords with Policy LP33 as far as it can at this outline stage*

With regard to the trees within the site, these are by and large of limited public amenity value. As noted within the committee report, these are mostly low-quality regenerative trees that have become established following absent tree and vegetation management across the site. By virtue of the area's topography, built environment, and the size of the site, most of the trees within the site cannot be appreciated from public viewpoints. Officers therefore do not consider their retention necessary or desirable (having regard to all relevant planning considerations), and support their removal.

The most prominent trees set within the site (i.e., not on the boundary) are those located between the western greenfield and eastern brownfield portions of the site. They may have formed the landscaped boundary to the former Black Cat factory site. They are mature, well formed, and overall are attractive. They can be viewed (from a distance) from Felks Stile Road. All these trees are proposed to be removed to enable the development. The applicant contends this is necessary to provide sufficient housing density on the site and to accommodate the site-wide necessary groundworks which includes extensive regrading. At present the trees in question bisect the site. Retaining them would result in substantial design constraints, and would necessitate extensive redesign work, at the cost of the overall design. Bearing in mind the distance of these trees from the public realm and the overriding need for the delivery of houses, subject to a suitable re-planting strategy (considered below), on balance officers accept their removal.

Regarding the trees on the site's boundaries to Blackmoorfoot Road and Felk Stile Road, these are considered to be of the most public amenity value, largely by virtue of their size, prominence, and group value, with each of these facets being appreciable from the public realm. Following engagement with K.C. Highways Development Management, K.C. Trees and the applicant team, officers are satisfied that the proposed removal of trees on the boundaries is to be kept to the minimum necessary to deliver the required features (including safe sightlines) at the site's two accesses (one per road). Given the overriding need to provide points of access (as approved at outline stage) which are safe and effective, the proposed tree removal is accepted.

On the matter of the biodiversity value of the trees to be felled, this has been partly assessed via condition 23 (see above) and shall be considered in greater detail as part of the discharge of condition 27 (Ecological Design Strategy), which would consider in full detail the site's existing and proposed biodiversity value and net gain (to be considered via separate Discharge of Condition application).

In terms of mitigatory re-planting, this Discharge of Conditions application is supported by a landscape masterplan (ref GLY0043 MP01A). This shows extensive tree replanting being provided throughout the development site. This includes street trees, trees within the POS, and trees on the site's boundaries. This notably includes an extensive tree belt along the Felk Stile Road frontage, which would replace the trees to be lost to facilitate the access, and ensures that the tree-lined character would be retained and improved. Given the site's limited frontage to Blackmoorfoot Road, no new tree planting can be accommodated there, although the retained woodland is expected to be improved (as part of the net gain plan), which is likely to enhance its appearance (being currently unmanaged).

The masterplan does not include a detailed planting schedule. However, the details provided are considered sufficient for the purposes of this condition. They are sufficient to demonstrate that commensurate mitigatory replanting, giving due regard to the identified tree loss, is feasible on the site. Landscaping is an underdetermined Reserved Matter (currently being considered under applications 2024/92365 and 2024/92235) at the time of writing. Full technical specifications shall be secured via the Reserved Matters process.

At the time of writing, the Reserved Matters landscaping details align with those currently being considered. Should the details submitted pursuant to the Reserved Matter materially deviate from those submitted, the applicant would be expected to re-discharge condition 38.

Concluding on the above, while the proposal's extensive tree-loss is noted, it is considered reasonable to enable the development of this allocation, in an effective and efficient manner, and in accordance with the expectations of the local plan. Furthermore, the replanting strategy is considered high quality and supported. A note regarding the relationship between the approval of these details and the ongoing assessment of the Reserved Matter of landscape is recommended to be included on the decision notice letter.

## Summary

Officers conclude that the details submitted pursuant to each condition may be approved.

**Recommendation:** Approve details

**Report Dated:** 13/02/2025

## Proposed Letter Text

### Condition 23 (Bat Survey)

You have submitted the following documents pursuant to condition 23:

- Bat Emergence Survey Report dated October 2024
- Aerial Tree Bat Survey Report dated November 2024
- Bat Activity Report dated November 2024
- Blackmoorfoot Additional Buildings – Dusk Emergence Survey dated June 2024

I can confirm that the submitted details are acceptable for the initial requirement of condition 23 and are hereby approved.

For the avoidance of doubt, in accordance with the mitigation measures detailed within the above submitted and approved documents, the following mitigation measures must be adhered to, to ensure continued compliance with the condition:

- A European Protected Species (EPS) mitigation licence issued by Natural England would be needed for the demolition of buildings B4 and B26 which hosts a common pipistrelle day roost.
- Demolition works site-wide to be undertaken in accordance with a Bat Reasonable Avoidance Method Statement
- A combination of integrated boxes (e.g. habitat integrated bat boxes) and ridge boxes (50/50 mix) across the whole site.
- Lighting design strategy required to mitigate impacts on local species (although such details may be submitted under a Reserved Matters application).
- Survey findings only valid for 12 months, after which a new survey would be needed.
- Information packs should be distributed to properties across the site to inform residents about the value of the site and wider area as a foraging and commuting resource for bats. Other information should be provided covering the other types of wildlife present in the surrounding area and should encourage residents to manage their gardens in a wildlife-friendly manner, such as through the inclusion

of native shrub planting and wildflower meadow areas in gardens. These features would attract invertebrates such as moths, and subsequently provide foraging resources for bats.

#### Condition 24 (Protected Species Surveys)

You have submitted the document referenced 0509/B rev V05 by Envance pursuant to condition 24.

I can confirm that the submitted details are acceptable for the initial requirement of condition 24 and are hereby approved.

However, be aware that condition 24 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

*The survey report, together with a mitigation strategy as appropriate ... shall be thereafter implemented as agreed.*

#### Condition 25 (Biodiversity CEMP)

You have submitted the Construction Environmental Management Plan (Biodiversity) by BWB, dated September 2024, pursuant to condition 25.

I can confirm that the submitted details are acceptable for the initial requirement of condition 25 and are hereby approved.

However, be aware that condition 25 has the following 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 for that phase.*

#### Condition 38 (Arboricultural Assessment)

You have submitted the Arboricultural Impact Assessment by BWB dated February 2025, version P06, and the landscape masterplan referenced GLY0043 MP01A pursuant to condition 38.

I can confirm that the submitted details are considered acceptable for the requirements of condition 38 and are hereby approved.

The condition required details of mitigatory replanting for the site, which is shown on the approved plan ref GLY0043 MP01A. However, it should be noted that, at the time of writing, the Reserved Matter of landscaping remains undetermined. Should the details submitted pursuant to the Reserved Matter of landscape materially deviate from those hereby approved, note that you will be required to re-discharge condition 38.

