

**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>2025/44/90038/W</b>
Site Address:	Various locations - A629, Halifax Road, Huddersfield
Description:	Discharge of details reserved by condition 12 (BEMP) on previous permission 2021/92734 for improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car park on land adjoining 103 Halifax Road (within a Conservation Area)
Recommending Officer:	Liz Chippendale

**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: 02-Apr-2025**

**Application:** 2025/90038

**Site:** Various locations - A629, Halifax Road, Huddersfield

**Proposal:** Discharge of details reserved by condition 12 (BEMP) on previous permission 2021/92734 for improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car park on land adjoining 103 Halifax Road (within a Conservation Area)

## **Assessment**

### Condition 12 (BEMP)

*12. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) is submitted to and approved by the Local Planning Authority. The plan shall demonstrate how a minimum 15.46% net gain in habitat units and a 1,273.33% net gain in hedgerow units are to be achieved post-development and will include details of the following:*

- a. Description and evaluation of features to be managed and enhanced;*
- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*
- c. Ecological trends and constraints on site that might influence management;*
- d. Aims and Objectives of management;*
- e. Appropriate management Actions for achieving Aims and Objectives;*
- f. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);*
- g. Details of the management body or organisation responsible for implementation of the BEMP;*
- h. Ongoing monitoring programme and remedial measures; and*
- i. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 year*

*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 with 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 fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.*

**Reason:** *In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity*

*net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.*

The following details have been submitted:

- Biodiversity Enhancement and Management Plan (BEMP) by Waterman dated November 2024 reference WIE20953-101-R-1-2-2-BEMP
- Appendices A – D
- 20953101-WAT-XX-XX-DR-N-750008
- 20953101-WAT-XX-XX-DR-N-750007

Officers have reviewed the submitted document against the requirements of the condition as follows:

- *The plan shall demonstrate how a minimum 15.46% net gain in habitat units and a 1,273.33% net gain in hedgerow units are to be achieved post-development*

Details are contained within Table 5 of the submitted document. Officers consider the details to be acceptable.

- *Description and evaluation of features to be managed and enhanced;*

Details are contained within Table 5 of the submitted document. Officers consider the details to be acceptable.

- *Extent and location/area of proposed enhancement works on appropriate scale maps and plans;*

The applicant submitted additional plans to accompany the BEMP at the request of officers. The plans 20953101-WAT-XX-XX-DR-N-750008 and 20953101-WAT-XX-XX-DR-N-750007 are considered acceptable.

- *Ecological trends and constraints on site that might influence management;*

Details are contained within Table 7 of the submitted document. Officers consider the details to be acceptable.

- *Aims and Objectives of management*

The aims and objectives of the BEMP are detailed within section 2 of the submitted document. Officers consider the details to be acceptable.

- *Appropriate management Actions for achieving Aims and Objectives*

Details are contained within table 3 of the submitted document. Officers consider the details to be acceptable.

- *An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years)*

Details are contained within appendix D of the submitted report. Officers consider the details to be acceptable.

- *Details of the management body or organisation responsible for implementation of the BEMP*

Details are contained within section 6 of the submitted document. Officers consider the details to be acceptable.

- *Ongoing monitoring programme and remedial measures*

Details are contained within section 9 of the submitted document. Officers consider the details to be acceptable.

- *The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 year*

Details are contained within Appendix D of the submitted document.

- *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 with the management body responsible for its delivery*

Kirklees Revenue Budget (Maintenance Team) will be responsible for the legal and funding mechanisms for the implementation of the BEMP. The details are considered to be acceptable.

- *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*

Details are contained within section 6 of the submitted document. Officers consider the details to be acceptable.

## **Summary**

KC Ecology officers were consulted as part of the assessment and confirm that the submitted BEMP is considered acceptable for the purpose of condition 12.

Officers concur with this assessment and consider the submitted details to be acceptable for the requirements of condition 12 and are recommended to be approved.

However, be aware that condition 12 has an ongoing requirement for the development to be completed in complete accordance with the approved details which must be adhered to, to ensure compliance with the condition.

**Officer Recommendation:** Approve details

**Date:** 02/04/2025

**Recommended decision notice text**

Condition 12 (BEMP)

The following details have been submitted:

- Biodiversity Enhancement and Management Plan (BEMP) by Waterman dated November 2024 reference WIE20953-101-R-1-2-2-BEMP
- Appendices A – D
- 20953101-WAT-XX-XX-DR-N-750008
- 20953101-WAT-XX-XX-DR-N-750007

Officers consider the submitted details to be acceptable for the requirements of condition 12 and are hereby approved. However, be aware that condition 12 has an ongoing requirement for the development to be completed in complete accordance with the approved details which must be adhered to, to ensure compliance with the condition.