

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:	2025/44/90249/W
Site Address:	former Deighton Centre, Deighton Road, Deighton, Huddersfield, HD2 1JP
Description:	Discharge of details reserved by conditions 10 (HMMP) and 11 (CEMP: Bio) on previous permission 2023/93350 for development of former Deighton Centre (previously Deighton High School) for social emotional and mental health school (use class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development
Recommending Officer:	Liz Chippendale

DECISION – Discharge of Condition – Split Decision

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: 12-Feb-2025

Application: 2025/44/90249/W

Site: former Deighton Centre, Deighton Road, Deighton, Huddersfield, HD2 1JP

Proposal: Discharge of details reserved by conditions 10 (HMMP) and 11 (CEMP: Bio) on previous permission 2023/93350 for development of former Deighton Centre (previously Deighton High School) for social emotional and mental health school (use class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development

Assessment

Condition 10 (HMMP)

10. Prior to the construction of the superstructure works, a habitat management and monitoring plan (HMMP) has been submitted to and approved in writing by the local authority. The plan shall demonstrate how a minimum of 10% net gain in habitat and hedgerow units are to be achieved post development, utilising baseline information submitted in the DEFRA Metric 4.0 (dated 11th September 2023) and 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 HMMP;*
- h. Ongoing monitoring programme and remedial measures; and*
- i. The HMMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years.*

The HMMP shall include details of the legal and funding mechanisms by which the longterm implementation of the HMMP will be secured by the developer with the management body responsible for its delivery. The HMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the HMMP 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 HMMP. The approved HMMP 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 precommencement 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:

- Habitat Management and Monitoring Plan by arbtech dated 17.01.2025
ref: JNA-ARB-XX-XX-RP-X-0001-HMMP-V1

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

- *The plan shall demonstrate how a minimum of 10% net gain in habitat and hedgerow units are to be achieved post development, utilising baseline information submitted in the DEFRA Metric 4.0 (dated 11th September 2023)*

The submitted document makes no reference to a net gain on the site or use of the DEFRA Metric. This detail is required by officers.

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

Details are contained within table 2 of the submitted document. Officers consider the detail to be acceptable.

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

Details are presented on scaled plans contained within appendices 1 and 3. Officers consider the detail to be acceptable.

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

Details are contained within table 2 of the submitted document. Officers consider the detail to be acceptable.

- *Aims and Objectives of management;*

Details are contained within table 2 of the submitted document. Officers consider the detail to be acceptable.

- *Appropriate management Actions for achieving Aims and Objectives;*

Details are contained within table 2 of the submitted document. Officers consider the detail 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 table 2 of the submitted document. Officers consider the detail to be acceptable.

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

Inadequate details relating to this point have been provided, and therefore cannot be accepted.

- *Ongoing monitoring programme and remedial measures; and*

Details are contained within table 2 of the submitted document. Officers consider the detail to be acceptable.

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

Details are contained within table 2 of the submitted document. Officers consider the detail to be acceptable.

- *The HMMP shall include details of the legal and funding mechanisms by which the longterm implementation of the HMMP will be secured by the developer with the management body responsible for its delivery.*

Inadequate details relating to this point have been provided, and therefore cannot be accepted.

- *The HMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the HMMP 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 HMMP*

Inadequate details relating to this point have been provided, and therefore cannot be accepted.

In summary, officers have reviewed the submitted document against the requirements of the condition. Officers consider that further detail and clarification is required to satisfy condition 10 as follows:

- *The plan shall demonstrate how a minimum of 10% net gain in habitat and hedgerow units are to be achieved post development, utilising*

baseline information submitted in the DEFRA Metric 4.0 (dated 11th September 2023)

- *The HMMP shall include details of the legal and funding mechanisms by which the longterm implementation of the HMMP will be secured by the developer with the management body responsible for its delivery.*
- *The HMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the HMMP 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 HMMP*

Officers are unable to discharge the condition at this stage, and recommend that the submitted details be refused.

Condition 11 (CEMP: Biodiversity)

11. 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.*
- b. Identification of “biodiversity protection zones”, where appropriate.*
- 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, where appropriate.*
- f. Responsible persons and lines of communication.*
- g. 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 protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30. This pre-commencement condition is necessary to protect ecological receptors during construction.*

The following details have been submitted:

- Construction Ecological Management Plan by arbtech dated 08.01.2025
ref: JNA-ARB-XX-XX-RP-X-0002-CEMP-V1

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

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

Details are contained within table 2 of the submitted document. Officers consider details to be acceptable.

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

Details are contained within table 2 of the submitted document. Officers consider details to be acceptable.

- *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).*

Details are contained within table 2 of the submitted document. Officers consider details to be acceptable.

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

Details are contained within table 2 within the submitted document. Officers consider details to be acceptable.

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

The submitted report states that ‘a qualified and suitably experienced ecologist will be present on-site during critical phases of construction activities, namely turf stripping. Their role will be to oversee and monitor compliance with the CEMP, provide guidance, and take immediate action to prevent any harm to ecological receptors’. This is considered acceptable by officers.

- *Responsible persons and lines of communication*

Details are contained within table 2 within the submitted document. Officers consider details to be acceptable.

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

Details are contained within table 2 within the submitted document. Officers consider details to be acceptable.

In summary, the submitted details have been reviewed and found to be acceptable by officers. The site is mostly made up of modified grassland with

woodland area to the north and has limited ecological value with limited opportunities for protected species.

The submitted CEMP – Biodiversity addresses all requirements within the condition which officers consider to be acceptable.

Officers recommend that the submitted details be approved. The condition will be formally discharged on completion of the development in full accordance with the Construction Ecological Management Plan.

Officer Recommendation: Split Decision

Date: 12.02.2025

Decision notice text

Condition 10 (HMMP)

The following details have been submitted:

- Habitat Management and Monitoring Plan by arbtech dated 17.01.2025
ref: JNA-ARB-XX-XX-RP-X-0001-HMMP-V1

Officers have reviewed the submitted document against the requirements of the condition. Officers consider that further detail and clarification is required to satisfy condition 10 as follows:

- *The plan shall demonstrate how a minimum of 10% net gain in habitat and hedgerow units are to be achieved post development, utilising baseline information submitted in the DEFRA Metric 4.0 (dated 11th September 2023)*
- *The HMMP shall include details of the legal and funding mechanisms by which the longterm implementation of the HMMP will be secured by the developer with the management body responsible for its delivery.*
- *The HMMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the HMMP 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 HMMP*

Officers are therefore unable to discharge the condition.

Condition 11 (CEMP- Biodiversity)

The following details have been submitted:

- Construction Ecological Management Plan by arbtech dated 08.01.2025
ref: JNA-ARB-XX-XX-RP-X-0002-CEMP-V1

I can confirm that the submitted details are acceptable for the initial requirements of condition 11 and are hereby approved. However, be aware that condition 11 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, unless otherwise agreed in writing by the local planning authority.