2024.00373.000

George Hotel

Refurbishment (Planning & LBC)

Response - Biodiversity

28.05.25

Shaping places that have
a positive impact

August 2024

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- Introduction
- Consultee response
- ~~Dialogue (Applicant)~~
- Summary (Applicant Formal Response)
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Revision	Date	By
01	27.05.25	AHR Building Consultancy

Introduction

APPLICATION REFERENCE AND DOCUMENTS:

This mini-report seeks to record the matters pertaining to comments received from the statutory consultee in respect of Biodiversity

AIM OF THIS REPORT:

The aim of this report is to provide the Lead Planning Officer and relevant parties with a singular point of reference in respect of the submitted material, the Statutory Consultee's queries/ comments and a record of formal response by the applicant and/ or their appointed sub-consultants (Specialist).

Consultee Response

Ref: 25.05.12 - 2025-91147_+Consultee+Responses_10876.PDF
Date: 25.05.25
From: KC Biodiversity Team
Officer: Katie ?

The consultee has formally posted comments upon the portal and has made the following comments:

KC Biodiversity Team:

Designations
No issue.

Onsite habitats and Species
The building itself appears to be in a good state, and the site is surrounded by hardstanding. It is unlikely that ecological features would be of much concern. The site in the centre of built-up Huddersfield and so does not have good connectivity to any surrounding habitats. I will add an informative for bats and birds, but I don't believe ay this point in time that any further assessment is required.

BNG
The site is on an area of original hardstanding. As a result, Biodiversity Net Gain is exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Ctd'

Informatives

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).

Birds
All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species specific works exclusion zones. Reason: In order that the proposals are implemented in accordance with the Wildlife and Countryside Act 1981 (as amended).

Summary

Applicant Formal Response

The applicant wishes to thank the Biodiversity team for their consideration.

Habitats & BMG
We confirm agreement in respect of the consultee's response around On-Site Habitats/ Species and Bio-Diversity Net Gain.

Informative – Bats
The applicant acknowledges this informative and their duties of identification and relevant protection measures in this event bound by:

- Wildlife and Countryside Act 1981
- The Conservation of Habitats and Species Regulations 2017

Informative – Birds
As per the Bat response, the applicant acknowledges the duty and regulatory requirements therein.

The applicant would like to bring to the attention of the consultee the emergency order (Public Space protection Order) enacted under The Conservation of Habitats and Species Regulations 2017 Section 32-35 (Bylaws) which will need to be factored into any practical response.

This is applied in respect of Birds (and concerns around nuisance/ vermin control measures for feral pidgeon infestation) under "*The Council of the Borough of Kirklees Anti-Social Behaviour Crime and Policing Act 2014, Section 59 Public Space Protection Order (Huddersfield Town Centre)".*

Whilst the measure seeks to address the matter of vermin control through feeding vectors, this is also a matter of consideration as to building sweep and itentification along with appropriate response measures noting the following order:

Prohibitions	Requirements	Area Affected
No Feeding of Birds and / or Vermin	No Person shall feed the birds or vermin	Within Huddersfield Town Centre

The applicant therefore formally responds with acknowledgement of their statutory duty in respect of the Informatives and to this end requests that there be no condition placed upon these matters (other than those referencing statutory duty under the aforementioned acts).

Appendix A
Public Space Protection Order

Shaping places that have
a positive impact

Decision details

Public Space Protection Orders

- Find out more about this issue (mgIssueHistoryHome.aspx?IId=35832&Opt=0)

Decision Maker: Cabinet

Decision status: Recommendations Approved

Is Key decision?: Yes

Is subject to call in?: Yes

Purpose:

Review of Public Space Protection Orders, along with introduction of new PSPO's.

Engagement and Consultation

Meetings with internal and external stakeholders to discuss the implementation of new PSPO's, including Safer Kirklees and West Yorkshire Police.

Visits were made to Community Output Groups to discuss the new proposals for Public Protection Orders.

In line with the requirements of the legislation, public consultation took place between 9 July 2024 to the 6 August 2024 via an online survey accessed through the Council's Website.

A consultation with Councillors was made on the Neighbourhood Platform, also visits made to Cogs.

Safer Kirklees, Greenspace Action Team, Cleansing, various charities, Huddersfield Bid, West Yorkshire Police, various local businesses.

In line with the requirements of the legislation, public consultation took place between 9 July 2024 to the 6 August 2024 via an online survey accessed through the Council's Website.

The consultation received 371 Reponses, with the majority of the responses being in favour of more enforcement and tougher sanctions, across all areas of the PSPO's

In relation to new PSPO's around Nuisance Vehicles 88 percent of respondents wanted the PSPO.

Begging: The majority of respondents (84%) felt that the issue of begging had either stayed the same or got worse over the past 3 years.

Loitering: The majority of respondents (81%) felt that the issue of loitering had either stayed the same or got worse over the past 3 years.

Street drinking: The majority of respondents (75%) felt that the issue of street drinking had either stayed the same or got worse over the past 3 years.

Public urination / defecation: The majority of respondents (53%) felt that the issue of street drinking had either stayed the same or got worse over the past 3 years.

Feeding birds or vermin: The majority of respondents (59%) felt that the issue of Bird Feeding had either stayed the same or got worse over the past 3 years.

Erecting temporary structures without land owners permission: The majority of respondents (65%) answered 'I don't know / this doesn't affect me' regarding this issue

Decision:

RESOLVED – That approval be given to the revised Public Space Protection Orders (PSPO) and to the introduction of new PSPO's.

Publication date: 08/04/2025

Date of decision: 08/04/2025

Decided at meeting: 08/04/2025 - Cabinet (jeListDocuments.aspx?CId=139&MID=7776)

Effective from: 16/04/2025

Accompanying Documents:

- PSPO - Report - Cabinet Legal checked 28-3 PDF 326 KB (documents/s63113/PSPO - Report - Cabinet Legal checked 28-3.pdf)

Emergency Decisions

Emergency decisions (mgDelegatedDecisions.aspx?XXR=0&&DR=08%2f04%2f2020-30%2f04%2f2020&ACT=Find&RP=0&K=0&V=0&DM=0&HD=0&DS=2&Next=true&META=mgdelegateddecisions)

Council and Democracy

Councillors (mgMemberIndex.aspx?bcr=1)

Meetings (ieDocHome.aspx?bcr=1)

Calendar of meetings (mgCalendarMonthView.aspx?GL=1&bcr=1)

Committees (mgListCommittees.aspx?bcr=1)

Decisions (mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0)

Petitions (mgGeneric.aspx?MD=mgEPetitionNew)

Find committee documents (ieDocSearch.aspx?bcr=1)

Forthcoming decisions (mgDelegatedDecisions.aspx?RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=0&META=mgdelegateddecisions&v=0&bcr=1)

Key decisions and private reports (mgPlansHome.aspx?bcr=1)

Voting and elections (http://www.kirklees.gov.uk/voting)

Constitution (http://www.kirklees.gov.uk/constitution)

Councillors allowances (ecCatDisplay.aspx?sch=doc&cat=13092&path=0)

Outside bodies (mgListOutsideBodies.aspx?bcr=1)

Library (ecCatDisplay.aspx?bcr=1&sch=doc)

› What's new (mgWhatsNew.aspx?bcr=1)

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REPORT TITLE: Public Space Protection Orders

Meeting:	**Cabinet**
Date:	**9th April 2025**
Cabinet Member (if applicable)	**Councillor Munir Ahmed**
Key Decision **Eligible for Call In**	**Yes** **Yes**

Purpose of Report

The purpose of this report is to update Cabinet members of a revision to the Council's Public Space Protection Orders ('PSPO') and the introduction of new PSPO's,

Recommendations

It is recommended that the Cabinet agree to adopt the new and revised PSPO's as presented at appendix 1 and appendix 2.

Reasons for Recommendations

Revising and strengthening the Council's PSPO's will introduce greater flexibility in how the Council and its partners address the changing nature of ASB within the district. In addition, opening the evidence gathering to external partners and all council staff will increase the Council's capacity to educate and take the appropriate action where necessary.

Resource Implications:

Resources from Greenspace Action Team to install signage, this will be undertaken as part of their normal duties.

Currently the Council employs 2 PSPO Officers, who cover the whole of Kirklees. We proposed that we work alongside our Huddersfield Bid and West Yorkshire Police colleagues to gather evidence in order for the Council to take the appropriate action which will consist of a graduated response with education being the first step leading on to potential enforcement action such as fixed penalty notices.

Date signed off by <u>Executive Director</u> & name	27th March 2025 David Sheppard
Is it also signed off by the Service Director for Finance?	27th March 2025 Kevin Mulvany
Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?	28th March 2025 Samantha Lawton

Electoral wards affected: All

Ward councillors consulted: Yes via Neighbourhood Platform and Email

Public or private: Public

Has GDPR been considered?

1. Executive Summary

The proposals set out in this report outline changes to the Councils existing PSPO's and introduction of new PSPO's to strengthen the Council position in relation to education and enforcement of PSPO's.

2. Information required to take a decision

2.1 Introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, PSPO's sit amongst a range of powers designed to address anti–social behaviour (ASB) locally and provide the Council with ability to address persistent issues that are detrimental to the wider community. They are aimed at ensuring public spaces can be enjoyed by everybody and be free from ASB.

Current PSPO's

2.2 The Council's current PSPO's were initially adopted in April 2017 They were subject to a review that commenced in 2022 and following that review they were renewed without change in 2023.

2.3 The current PSPO's cover the following activities and areas of the district

PSPO Description	Areas Covered
Fouling of land by dogs	Boroughwide
Control of fires and barbeques	Council Land, National Trust Land, Yorkshire Water Land
Control of sky lanterns, fireworks and balloons including helium balloons	Footpaths and Castle Hill Nature Reserve
Dogs – Means of picking up dog faeces	Footpaths and Castle hill Nature Reserve
Dogs on leads by direction	Wilton, Beaumont, Greenhead, Crow Nest and Ravenknowle Parks
Dogs exclusion	Boroughwide in Play Areas, Games areas, skate parks
Public urination and defecation	Batley, Dewsbury, Huddersfield, Marsden and Slaithwaite Real Ale Trail
Street drinking	Batley, Dewsbury, Huddersfield, Marsden and Slaithwaite Real Ale Trail

Proposed Changes

2.4 After reviewing the evidence from internal statistics with the council, West Yorkshire Police and Huddersfield Bid, meetings with partners both internally and externally, it is proposed to create a single new PSPO for Batley, Dewsbury, Holmfirth, Huddersfield, Ravensthorpe Town Centres addressing, amongst other, the following issues –

- Street Drinking

  While the current Street Drinking PSPO goes someway to address the ASB issues linked with on street drinking, the current phrasing of this PSPO means an officer has to prove the drinking 'has had' or 'is likely to have' a detrimental effect on the quality of life.

  The shifting nature of issues within town centres means it is not always possible for officers prove the effect of on street drinking, it is therefore proposed to reword the existing PSPO to remove the need to prove a 'detrimental effect' and move to a PSPO that covers being in possession of' an open vessel containing, or pertaining to contain, alcohol'. Moving to this style of PSPO's would provide officers with greater flexibility to address more ASB issues linked with on street drinking.

- Bird Feeding

  Feeding of birds, in particular pigeons, is an emerging issue with the town centres, which is leading to more calls for service to the Council's Pest Control team.

  Introducing a PSPO that prevents bird feeding will, via education of the public in the first instance, enable officers to take relevant enforcement action where education proves unsuccessful.

- Loitering, Nuisance Behaviour and Temporary Structures

  Currently the Council does not have a PSPO to cover loitering, nuisance behaviour, or ASB associated with having structures such as tents within the town centres.

  Given the housing crisis, this is an emerging issue within Kirklees and is becoming more prevalent as other local authorities across West and South Yorkshire and Greater Manchester put in place PSPO's to cover this activity.

  Introducing this PSPO will provide officers the flexibility to address this issue, with education and support being a key part of this. In addition, it will bring Kirklees in line with other local authorities within the region.

2.5 A copy of the proposed town centre PSPO can be found at **appendix 1**

2.6 In addition to the proposed standard town centre PSPO, a borough wide PSPO is proposed to address the issue of nuisance vehicles.

2.7 ASB linked to nuisance vehicles, particularly anti-social use of motorbikes, is an emerging issue. Introducing a PSPO to tackle this issue will provide West Yorkshire Police greater powers to gather evidence and issue fixed penalty notices on persistent offenders.

2.8 A copy of the proposed nuisance vehicle PSPO can be found at **appendix 2**

Approach

2.9 In line with the Council's corporate enforcement policy there will be a graduated response to reports / evidence of breaches of the PSPO's; with education as the initial course of action playing a key role in this. In line with the corporate enforcement policy any formal action will be reserved for more serious and / or persistent breaches and where education has proved unsuccessful.

Partners – Evidence Gathering

2.10 As part of the revised PSPO's it is proposed that Huddersfield Bid, along with West Yorkshire Police, with Council staff to gather evidence and information of potential breaches of the PSPO's and provide a more proactive approach to education and enforcement.

Partnering Agencies / Internal Teams

2.11 The Council has held meetings with partner agencies and Safer Kirklees, Greenspace Action Team and West Yorkshire Police. Following those meetings, West Yorkshire Police, along with the afore-mentioned internal teams, support the revised PSPO's and the introduction of the additional PSPO's and have agreed in principle to their officers information gathering, which will then be passed to be reviewed by the appropriate officers.

Signage

2.12 Where a local authority introduces a PSPO there is a legal requirement to place sufficient signage at, or adjacent to, the area affected by the PSPO.

Existing PSPO's

2.13 The following existing PSPO's, not amended by the proposed changes, will remain in place.

- Control of fires and barbeques
- Control of sky lanterns, fireworks and balloons, including helium balloons
- Dog Fouling, Dog- means of picking up faeces and Dog Exclusions – no change to the wording, but amalgamated into one PSPO

3. Implications for the Council

3.1 Council Plan

The proposed PSPO's support the Council's 24 / 25 Corporate Plan and shared outcomes by ensuring the Council's PSPO's are effective in their application and promote positive outcomes for our residents and support the regeneration of our town centres.

3.2 Financial Implications

The financial implications remain unchanged, The Council currently employs two PSPO Officers and this remains the same.
The cost of signage is anticipated to be circa £5000, there are no more anticipated costs.

3.3 **Legal Implications**

The power to introduce PSPO's are contained with the Anti-Social Behaviour, Crime and Policing Act 2014, and the requirement to advertise their creation is contained with the regulation made under the Act (The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014).

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location. The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replaced Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders. Existing DPPOs, Gating Orders and Dog Control Orders which automatically become PSPOs (as of 20 October 2017).

3.8 **Other (eg Risk, Integrated Impact Assessment or Human Resources)**

IIA

An IIA has been completed as part of the development of the proposed PSPO's, this has not highlighted any equality issues. PSPO - Integrated Impact Assessment

HR

There are no apparent HR issues with the proposed PSPO's,

4 **Consultation**

4.1 In line with the requirements of the legislation, public consultation took place between 9 July 2024 to the 6 August 2024 via an online survey accessed through the Council's Website. The consultation received 371 Reponses, with the majority of the responses being in favour of more enforcement and tougher sanctions, across all areas of the PSPO's

4.2 In relation to new PSPO's around Nuisance Vehicles 88 percent of respondents wanted the PSPO.

- Begging: The majority of respondents (84%) felt that the issue of begging had either stayed the same or got worse over the past 3 years.

- Loitering: The majority of respondents (81%) felt that the issue of loitering had either stayed the same or got worse over the past 3 years.

- Street drinking: The majority of respondents (75%) felt that the issue of street drinking had either stayed the same or got worse over the past 3 years.

- Public urination / defecation: The majority of respondents (53%) felt that the issue of Public urination / defecation had either stayed the same or got worse over the past 3 years.

- Feeding birds or vermin: The majority of respondents (59%) felt that the issue of Bird Feeding had either stayed the same or got worse over the past 3 years.

- Erecting temporary structures without land owners permission: The majority of respondents (65%) answered 'I don't know / this doesn't affect me' regarding this issue

5. Engagement

5.1 In developing the proposed PSPO's pre-consultation engagement took place with, Greenspace Action Team, Kirklees Rough Sleeper Team, Huddersfield Bid, Safer Kirklees and West Yorkshire Police.

5.2 Engagement with vulnerable persons likely to be affected by the implemented PSPO's has been conducted with officers visiting food banks, missions and various hot spots across the authority. Officers working with the centres and problem areas have been signposting persons to various charities and council departments to try and resolve any issues they may have.

Officers have also been on a monthly schedule visiting problem areas with partners such as Rough Sleepers Team, Hope for Justice, Safer Kirklees and also Change Grow Live to support persons of interest.

Officers will still conduct the support visits in order to ensure that the PSPO's are not affecting the most vulnerable persons in society.

5.3 Following feedback from Scrutiny Panel, A grace period will be given and an educational process will start advising members of the public of the PSPO's along with new signage and a press release along with visits to Missions and foodbanks.

6 Options

6.1 Options considered

Options considered were to not review the existing PSPO and continue to work with internal teams and external partners to address ASB issues using existing powers and existing PSPO's. The main reason this option was rejected was due to feedback from engagement with partners that some of the current PSPO's are not sufficient to address the changing nature of ASB within the district, and did not provide sufficient flexibility to address issues.

6.2 Reasons for recommended option

Revising and strengthening the Council's PSPO's will introduce greater flexibility in how the Council and its partners address the changing nature of ASB within the district. In addition, opening the evidence gathering to external partners and all council staff will

increase the Council's capacity to educate and take the appropriate action where necessary.

7 Next steps and timelines

7.1 For Cabinet to consider the proposal at its meeting on the 9th April 2025.

8 Contact officer

Neil Sidhu
Complex Enforcement Manager
Public Protection

9 Background Papers and History of Decisions

Officer Delegated Decision – Adoption of 2023 reviewed PSPO's - Decision - Public Space Protection Order Review Decision | Kirklees Council

20th November 2024 – Environment and Climate Change Scrutiny Committee - Agenda for Environment and Climate Change Scrutiny Panel on Wednesday 20th November 2024, 2.00 pm | Kirklees Council

10 Appendices

Appendix 1	Proposed Town Centre PSPO
Appendix 2	Proposed Borough Wide Nuisance Vehicle PSPO

11 Service Director responsible

Katherine Armitage
Service Director
Environmental Strategy & Climate Change

The Council of the Borough of Kirklees
Anti-Social Behaviour Crime and Policing Act 2014, Section 59
Public Space Protection Order (Huddersfield Town Centre)

This order is made by the Council of the Borough of Kirklees ("the Council") and shall be known as the {insert town centre} Town Centre Public Space Protection Order ("this Order")

1. This Order shall come into operation on XXXXXDATE and shall have effect for 3 years thereafter, unless extended by further order as set out in the Act.

2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely that activities carried out in a public place within the authority's area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality.

3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

4. The Outlined Plan marked in red applies to all the orders below,

The Order

Prohibitions	Requirements	Area Affected
Begging	No person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or be likely to cause harassment, alarm, distress, nuisance, or annoyance	Within Huddersfield Town Centre
Loitering	No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment,	Within Huddersfield Town Centre

	alarm, distress, nuisance or annoyance to any person within the Town Centre.	
No return within a 24 hour period	No person shall, after being requested to leave the area by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre without reasonable excuse, remain in or return to the Town Centre within a period of 24 hours.	Within Huddersfield Town Centre
Street Drinking	No person shall consume alcohol in any public place in the Town Centre other than at licensed premises or shall be in possession of any opened vessel containing or appearing to contain alcohol in any public place save for those places identified by Section 62 of the Act	Within Huddersfield Town Centre
No urinating or defecating in public places	No person shall urinate or defecate in any public place; this does not include public toilets.	Within Huddersfield Town Centre
No Feeding of Birds and / or Vermin	No Person shall feed the birds or vermin	Within Huddersfield Town Centre
No Temporary Structures without the Landowners Permission	No Person shall erect temporary structures in any public place within the Town Centre	Within Huddersfield Town Centre

The Council of the Borough of Kirklees
Anti-Social Behaviour Crime and Policing Act 2014, Section 59
Public Space Protection Order (Nuisance Vehicles)

This order is made by the Council of the Borough of Kirklees ("the Council") and shall be known as Nuisance Vehicles Public Space Protection Order ("this Order")

1. This Order shall come into operation on XXXXXDATE and shall have an effect for 3 years thereafter, unless extended by further order as set out in the Act.

2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely that activities carried out in a public place within the authority's area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality.

3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order and that it is all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

4. The Outlined Plan marked in red applies to all the orders below,

The Order

Prohibitions	Requirements	Area Affected
Performing Stunts	Performing stunts using a motorised vehicle, (including but not limited to performing doughnuts, drifting, skidding, handbrake turns and wheeling) on the highway, i Including Public Rights of Way is prohibited Causing danger or risk of injury to road users including pedestrians is prohibited	Kirklees Wide
Cat Calling from motorised vehicles	Shouting, or unsolicited sexualised or offensive comments or gestures, such as cat calling from vehicles is prohibited	Kirklees Wide