

# 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>2025/44/91358/W</b>
Site Address:	Holmfirth Swimming Pool, Huddersfield Road, Thongsbridge, Holmfirth, HD9 3JL
Description:	Discharge of details reserved by Biodiversity Net Gain Informative Note on previous permission 2024/93568 for extension of existing access track to provide staff parking
Recommending Officer:	Joanna Rednall

#### DECISION – DISCHARGE OF CONDITION APPROVED

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.

John Holmes

***AUTHORISED OFFICER***

**Date: 05-Sep-2025**

## **Officer Report**

2025/91358 - Holmfirth Swimming Pool, Huddersfield Road, Thongsbridge, Holmfirth, HD9 3JL

### **Background.**

On 25<sup>th</sup> March 2025 planning permission was granted for the 'extension of existing access track to provide staff parking' at Holmfirth Swimming Pool.

Under planning legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 which sets out that:

*Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless—*

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan*

Paragraph 14 sets out the requirements of a biodiversity gain plan:

*(1) For the purposes of paragraph 13(2)(a), a biodiversity gain plan is a plan which—*

- (a) relates to development for which planning permission is granted, and*
- (b) specifies the matters referred to in sub-paragraph (2).*

*(2) The matters are—*

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,*
- (b) the pre-development biodiversity value of the onsite habitat,*
- (c) the post-development biodiversity value of the onsite habitat,*
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,*
- (e) any biodiversity credits purchased for the development, and*
- (f) such other matters as the Secretary of State may by regulations specify.*

*(3) The Secretary of State may by regulations make provision about—*

- (a) any other matters to be included in a biodiversity gain plan;*
- (b) the form of a biodiversity gain plan;*
- (c) the procedure to be followed in relation to the submission of a biodiversity gain plan (including the time by which a plan must be submitted);*
- (d) persons who may or must submit a biodiversity gain plan.*

Paragraph 15 sets a planning authority to which a biodiversity gain plan is submitted must approve the plan if, and only if, it is satisfied as to the following matters:

- (a) that the pre-development biodiversity value of the onsite habitat is as specified in the plan,*
- (b) that the post-development biodiversity value of the onsite habitat is at least the value specified in the plan,*
- (c) that, in a case where any registered offsite biodiversity gain is specified in the plan as allocated to the development—*
  - (i) the registered offsite biodiversity gain is so allocated (and, if the allocation is conditional, that any conditions attaching to the allocation have been met or will be met by the time the development begins), and*
  - (ii) the registered offsite biodiversity gain has the biodiversity value specified in the plan in relation to the development,*
- (d) that any biodiversity credits specified in the plan as purchased for the development have been so purchased,*
- (e) that the biodiversity gain objective is met, and*
- (f) any other matters specified in the plan under paragraph 14(2)(f).*

### **Assessment**

The following documents have been submitted to form the biodiversity gain plan:

- Drawing 24114D-02-P06 submitted as part of application 2024/93568
- Biodiversity Metric submitted as part of application 2024/93568
- Biodiversity Net Gain – Maintenance Strategy document

The maintenance strategy references the approved site plan (2411D-02-P06), which identifies the location and specifications of proposed planting. The accompanying Biodiversity Net Gain (BNG) calculations confirm that the required net gain will be achieved by implementation of the landscaping detailed in the aforementioned drawing.

The approved BNG enhancements will be implemented concurrently with the car park improvement works and will be maintained for a period of 30 years as part of the ongoing grounds maintenance around Holmfirth Pool.

Kirklees Active Leisure (KAL) will be responsible for revenue-funded repair and maintenance of the staff car park throughout the 30-year period, or in accordance with the duration of their lease with Kirklees Council. Upon conclusion of KAL's lease, this responsibility will be novated to any future operator of the facility.

The submitted biodiversity metric (P169 KAL SSM 2025-01013 Rev 3), provided with planning application 2024/93568, has been reviewed by Kirklees Council's Ecology team. The assessment was deemed reasonable and acceptable, with the on-site BNG measures expected to deliver a significant net gain through the creation of medium distinctiveness habitats.

## Conclusion

The submitted details are considered acceptable and constitute a biodiversity gain plan which satisfies the requirements of sections 14 and 15 of Schedule 7A of the Town and Country Planning Act 1990. The general condition of planning permission in place by virtue of section 13 of Schedule 7A of the Town and Country Planning Act 1990 is therefore considered to be satisfied and discharged by the submitted scheme.

## **Decision Notice Text**

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