

DC Admin

From: ENVU Biodiversity and Land Use
Sent: 06 August 2025 09:36
To: Planning ContactCentre
Subject: 2025/91531 at location land off, Leeds Road, Heckmondwike, WF16 9DB

Categories:

Please see ecological commentary below:

Designations

No issue

Onsite habitats and species

The Preliminary Ecological Appraisal is reasonable and acceptable.

- There are recommendations for invasive species, invertebrates, nesting birds, bats, hedgehogs, and brown hares that can be covered by a CEMP.
- There is a recommendation for 1no. bat emergence survey for Building 1 and Building 2 each. This will be conditioned.
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- There are recommendations for the management and removal of invasive species (cotoneaster); which will also be conditioned.
- Lighting strategy will also be conditioned.

BNG

It is noted that 1.52 habitat units and 0.60 hedgerow units will be created or maintained onsite. As this is a significant number of units. As a result, a HMMP for 30 years will be conditioned.

However, overall, it appears that there is a net loss of 1.38 (v. low-medium distinctiveness habitats) habitat units. There is a deficit of 1.67 habitat units and 0.06 hedgerow units for a statutory 10% net gain. This is a significant loss of biodiversity units and so a BNG plan should be provided to show a 10% net gain is to be achieved.

We recommend the applicant provides at least an outline if the intended route is to achieve off-site net gain.

The report does mention offsetting, but if the applicant can confirm it would be most helpful.

It would be good to have this information in advance of a planning decision because, if offsite gain is required, it will need to be secured with a section 106 agreement. If a section 106 agreement is needed, we recommend the applicant provides sufficient information for the heads of terms of an agreement prior to determination of the application

In addition to the information already provided, this information would comprise:

- A plan that follows the UK Habitat Classification showing the spatial locations of the habitats represented in the enhancement and/or creation tabs of the biodiversity metric (i.e. the target habitats).
- The georeferenced spatial data used to create both above plans (in either .shp or .gpkg format) and written permission to share this data with West Yorkshire Records Centre.
- A 30-year Habitat Management and Monitoring Plan (HMMP)

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Suggested conditions

Habitats / Species

A condition for a CEMP: Biodiversity (Construction Environment Management Plan) is advised, e.g. No works shall take place 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) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these 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: Biodiversity 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: In the interests of biodiversity and in accordance with LP30 and NPPF15

Lighting strategy

No works are to commence unless a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and NPPF15

Invasive species

No works shall commence on-site prior to the completion of an invasive species survey and appropriate removal and / or management plan and agreed in writing with the council.

Schedule 9 of the Wildlife and Countryside Act 1981 lists non-native species that are considered harmful to native biodiversity and habitats in the UK. It is illegal to release, plant, or allow these species to grow in the wild.

Reason: In order that the proposals are implemented in accordance with the Wildlife and Countryside Act 1981 (as amended).

Bats

The bat emergence surveys must be completed within the bat survey season (1st May to 31st August inclusive).

No works shall commence until the surveys are completed, and a copy of the report is provided to the council and approved in writing.

Should an EPS bat licence be required this must be provided prior to works and approved by the council in writing.

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). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Reason: For the LPA to discharge its duties as a competent authority under The Conservation of Habitats and Species Regulations 2017 (as amended) in relation to European Protected Species.

Significant Onsite Gain

- *The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:*
 - *a non-technical summary;*
 - *the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
 - *the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;*
 - *the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and*
 - *the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.*
- *Notice in writing shall be given to the Council when the:*
 - *HMMP has been implemented; and*

- *habitat creation and enhancement works as set out in the HMMP have been completed.*
- *Within 6 months of the development being in use:*
 - *the habitat creation and enhancement works set out in the approved HMMP have been completed; and*
 - *a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.*
 - *The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.*
 - *Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.*

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Further BNG conditions will be provided once commentary of how 10% to be achieved is received from the applicant.

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