

Planning ContactCentre

From: ENVU Biodiversity and Land Use
Sent: 04 August 2025 09:44
To: Planning ContactCentre
Subject: 2025/91870 at location Land off, Roslyn Avenue, Netherton, Huddersfield, HD4 7EW

I understand that this application concerns a Sect 73 and a variation of condition 29.
Please see ecological commentary below:

Designations

Dean Wood LWS is directly north of the site.

Onsite Habitats and Species

The Ecological Impact Assessment provided by SLR from July 2025 is reasonable and acceptable.

- There are recommendations for nesting birds, bats, badgers, and hedgehogs that can be covered by a CEMP.
- There is an elder tree with moderate bat potential that is to be retained. A tree protection plan condition will be added.
- Enhancements for birds, bats, and hedgehogs have also been recommended, that will be included in the conditions.

The Badger reports confirms that a badger sett is north of the site, limited signs of foraging on the site itself. Further conditions will be provided for this.

BNG

The BNG section of the EclA and, and metric, are reasonable and acceptable. Habitat and hedgerow units have been assessed. There is a net gain of 0.82 habitat units (with medium distinctiveness) and 3.53 hedgerows units (with medium distinctiveness).

We consider this application to have significant net gain. As a result, a HMMP for 30 years will be conditioned.

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.

The CEMP must also include the following specific plans / documents:

- Mitigation / precautionary measures for the Dean Wood LWS.

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

Badgers

Draft Conditions

As close as practicable and no earlier than three months prior to commencement of development, an additional badger survey report shall be submitted to and approved in writing by the Local Planning Authority. Should the position, in so far as it relates to badgers, have changed from that originally reported when the application was submitted, the new survey report should incorporate a revised badger mitigation plan.

Prior to first occupation/use of the site, a report prepared by an appropriately qualified and experienced ecologist demonstrating the implementation of the badger mitigation/ enhancement measures, as set out in the badger survey report, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of badgers in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

Draft Caveat

In granting planning permission, the Local Planning Authority is not confirming that development operations will not breach the Protection of Badgers Act 1992. Likewise, obtaining planning permission does not guarantee that a badger licence will be granted by the issuing authority. Licences cannot be issued retrospectively, and licensing authorities require time to process applications. Licences will normally only be granted for works to be undertaken between 1st July and 30th November.

Further information

If badger setts are found to be within 30m of the proposed works. Badgers and their setts are protected from harm (including disturbance) under the Protection of Badgers Act 1992. As such, the following are required prior to decision:

- A badger survey for badger setts within 50m of the proposals
- Monitoring of setts within 30m of the proposed works to establish if the setts are active (if required)
- If harmful impacts to badgers or their setts cannot be avoided, recommendations for licencing.
- Should avoidance of harm (including disturbance) to badgers and their setts be possible via a precautionary working method statement, a PWMS detailing all precautionary working methods in respect of badger

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

Tree protection

A Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works will be submitted to and approved by the LPA prior to the commencement of works on site, including site clearance and delivery of materials.

Hedgerow and tree protection measures will include temporary fencing for the protection of hedgerows in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Any alternative fencing type or position not in accordance with BS 5837:2012 will be agreed in writing by the LPA prior to the start of development.

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