

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:	2025/44/92268/W
Site Address:	Land adj, Gernhill Avenue, Fixby, Huddersfield, HD2 2GT
Description:	Discharge of details reserved by conditions 6 (access), 7 (highways), Biodiversity Net Gain Informative Note on previous permission 2025/90082 for formation of agricultural/forestry track
Recommending Officer:	Danielle Cooper

DECISION – APPROVE DISCHARGE OF CONDITIONS AND BNG INFORMATIVE NOTE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Feb-2026

DISCHARGE OF CONDITIONS

Site: Land adj, Gernhill Avenue, Fixby, Huddersfield, HD2 2GT

Proposal: Discharge of details reserved by conditions 6 (access), 7 (highways), BNG on previous permission 2025/90082 for formation of agricultural/forestry track

Condition 6 (access)

'6. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.'

Reason: *In the interests of highway safety and to accord with LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.'*

The following details have been submitted:

- Construction Management Plan, L. BAMFORTH & SONS, Ref: 25/26 – 02, Dated 22nd December 2025

The submitted details have been reviewed by KC Highway Development Management who are satisfied with the submitted information. The scheme shall be implemented in accordance with the approved details and retained in perpetuity. Therefore, it is recommended that condition 6 be discharged on this basis.

Condition 7 (Highways)

'7. The development shall not commence until a survey of the existing condition of the highway on Gernhill Avenue has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.'

Reason: *In the interests of highway safety and to accord with LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.'*

The following details have been submitted:

- Gernhill Avenue – Schedule of Condition, received 11/08/2025

The submitted details have been reviewed by KC Highway Development Management who are satisfied with the submitted information. All of the identified works shall be implemented before any part of the development is first brought into use, for this condition to be discharged.

BIODIVERSITY NET GAIN INFORMATIVE NOTE

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 biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and 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).*

The following details have been submitted:

- Biodiversity Metric Calculation, received 02/10/2025
- HABITAT MONITORING AND MANAGEMENT PLAN (HMMP), Futures Ecology, Ref: FE478/HMMP01, Dated December 2025
- BIODIVERSITY IMPACT ASSESSMENT (BIA), Futures Ecology, Ref: FE478/BIA01, Dated December 2024

The submitted details have been reviewed by KC Ecology who are satisfied with the submitted information. The approved BNG scheme shall be implemented in accordance with the approved details and retained in perpetuity.

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 satisfied and discharged by the submitted scheme.

