DC Admin

From: ENVU Biodiversity and Land Use
Sent: 15 January 2026 09:36
To: Planning ContactCentre
Subject: 2025/93355 at location Land off, Woodward Court, Mirfield, WF14 0PY

Hi There,

Please see ecological commentary below:

Designations
Sunny Bank LNR / LWS is 0.93 northwest of the site.

Onsite habitats and species
The Conker Dyke is located approximately 400 m southeast of the Site, though separated by a residential area. The PEA / EcIA, though very similar (the EcIA does not appear to have additional surveys recommended in the PEA), acceptable.
The site is considered to have suitability for

- foraging / commuting badgers (with suitability for setts building in the wider area). Pre-commencement surveys will be conditioned as a result.
- 'Moderate' suitability for foraging and commuting bats, with a mature tree suitable for roosting bats (TN1) adjacent to the southeast boundary of the site. Tree protection and lighting strategy conditions will be added. **Bat activity surveys will also be required to understand the value of the site to foraging / commuting bats. These surveys must be completed during the bat activity season (May – August).**
- for foraging and nesting birds, reptiles, invertebrates, and hedgehog – A CEMP has been provided for review of precautionary measures, one will be conditioned as a result of the recommendations provided.

Invasive species such as cotoneaster and snowberry were found to be onsite. Survey and management conditions will be added.
Enhancements for bats, birds, invertebrates, reptiles, amphibians, and hedgehogs will also be conditioned.
The CEMP is acknowledged for onsite species, however, this should be updated following the bat activity surveys onsite, and include mitigation / pollution prevention measures for the Sunny Bank LNR / LWS and Conker Dyke (and other waterbodies / watercourses within 500m of the site).

BNG
The Biodiversity Net Gain Assessment is reasonable and acceptable. The baseline calcs are validated.
The BNG statutory metric predicts an onsite net gain of 4.74 (36.34%) habitat units and 1.92 (73.24%) hedgerow units. This is through the creation of v low to high distinctiveness habitats).
This is a significant creation of habitats onsite, and so an onsite HMMP for 30 years will be conditioned.

Suggested conditions

Bat activity surveys are required prior to determination.

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:

- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)
- Mitigation / precautionary measures for the Sunny Bank LNR / LWS.

Reason: In the interests of biodiversity and in accordance with 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).

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.
The root protection fencing will define the works exclusion zone around hedgerows and trees. Activities liable to be harmful to hedgerows and trees are prohibited within this exclusion zone, unless agreed in writing with the LPA. The approved hedgerow and tree protection measures will remain in place until the completion of development or unless otherwise agreed in writing with the LPA.
Reason: In the interests of biodiversity and in accordance with Policy 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

<u>Onsite BNG – 30 year HMMP - DRAFT</u>
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) a non-technical summary;
b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
c) 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;
d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 10 years from the completion of development; and
e) 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:
    a) HMMP has been implemented; and
    b) habitat creation and enhancement works as set out in the HMMP have been completed.

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.
We also recommend a draft biodiversity gain plan is submitted.
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

<u>Ecological Design Strategy – for bats, birds, invertebrates, reptiles, amphibians, and hedgehogs</u>
No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority.
The EDS shall include the following.

a. Purpose and nature conservation objectives for the proposed works.

b. Review of site potential and constraints.
c. Detailed design(s) and/or working method(s) to achieve stated objectives.
d. Extent and location/area of proposed works on appropriate scale maps and plans.
e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
g. Persons responsible for implementing the works.
h. Details of initial aftercare and long-term maintenance.
i. Details for monitoring and remedial measures.
j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

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

Many thanks,
Katie

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