

**Consultation Response from KC,
Ecology Unit**

2025/93355 Land off, Woodward Court, Mirfield, WF14 0PY

Erection of 75 residential dwellings with associated landscaping, open space, highways and drainage infrastructure

Date Responded: 05/06/2026

Responding Officer: Z. Hanshaw

Responding Ref:

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Good afternoon,

I have reviewed the Planning Letter (CuraTerra, February 2026) and I'm satisfied with the information contained within.

In line with the previous KC Ecology Comments (January 2026) a Construction Environmental Management Plan: Biodiversity should be secured as a condition of any consent. This should be updated to include vegetation retention and area protection plans to demonstrate how bat foraging/commuting habitat will not be impacted during the construction phase of the development. It should also be updated to include mitigation / pollution prevention measures for the Sunny Bank Local Wildlife Site, Conker Dyke and other waterbodies / watercourses within 500m of the site.

The Biodiversity Net Gain Assessment identifies that it is possible to achieve a Net Gain onsite, with a 36.34% gain for area habitats and 73.24% for hedgerows. This is a significant increase in the biodiversity of the site from baseline and must be secured for 30 years with a Habitat Management and Monitoring Plan. This could be included as a condition of any consent or included in a section 106 agreement. Monitoring reports should be provided to the Authority at intervals throughout the 30 year monitoring period to ensure delivery of the Biodiversity Net Gain is achieved. Fees for the review of these reports may be required.

Recommended conditions

Construction Environmental Management Plan: Biodiversity

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
- Vegetation retention and area protection plans to ensure bat activity will not be impacted

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: 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

Ecological Design Strategy

For bats, birds, invertebrates, reptiles, amphibians, and hedgehogs

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

Onsite BNG – 30-year Habitat Management and Monitoring Plan

(To be secured via condition or s106 agreement)

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