

**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: 04/08/2026
Responding Officer: Z. Hanshaw
Responding Ref: 2608/09

I have reviewed the updated Biodiversity Net Gain Assessment (CuraTerra, July 2026) and I am satisfied with the updated information provided. The report details a slight reduction in the onsite Biodiversity Net Gain provision from the previous information submitted, from 35% to 12% for habitats, and 73% to 62% for hedgerows. There is a reduction in the amount of Other Neutral Grassland and Mixed Scrub proposed, with an increase in the amount of Modified Grassland and Individual Trees. However, the proposal still exceeds the 10% legal requirement. This is still a significant increase in the biodiversity of the development site. As detailed in the previous KC Ecology comments (dated 05/06/26), this 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.

The conditions recommended in the previous comments (copied below) should be included in any consent.

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

Tree protection

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

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