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:	**2025/44/93403/W**
Site Address:	1000, New Hey Road, Outlane, Huddersfield, HD3 3FJ
Description:	Discharge of details reserved by conditions 7 (Hedgerow and Tree Protection Plan) and 8 (lighting scheme) of previous permission 2025/91413 and Biodiversity Netgain Information for erection of agricultural building and associated works
Recommending Officer:	Edward Cheseldine

DECISION – DISCHARGE OF CONDITIONS APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 10-Mar-2026

Officer Report

2025/93403 - 1000, New Hey Road, Outlane, Huddersfield, HD3 3FJ

Proposal Description

Discharge of details reserved by conditions 7 (Hedgerow and Tree Protection Plan) and 8 (lighting scheme) of previous permission 2025/91413 for erection of agricultural building and associated works.

Condition 7

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 Local Planning Authority 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 Local Planning Authority 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 Local Planning Authority. The approved hedgerow and tree protection measures will remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

Assessment

The applicant submitted the following information:

- Tree Protection Plan, received 16 December 2025
- Tree & Hedgerow Protection Statement, received 16 December 2025

The Tree Protection Plan and statement were reviewed by KC Ecology. They confirmed the details received were suitable in providing protection for mature trees located to the west of the site, through the erection of protective fencing which shall be put in place prior to the construction of the new agricultural unit and remain until development has been completed.

It is therefore recommended that, having cognisance of the response of KC Ecology and the submitted scheme this condition is discharged.

Condition 8

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 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Assessment

The applicant submitted the following information:

- Lighting Assessment, authored by UK Lighting Design, reference DB-2350-534, dated 10.02.2026.

The Lighting Assessment was reviewed by KC Ecology which indicates the area of lighting for the agricultural unit. The document indicates lighting will predominantly be directed to the north-west and east of the barn away from the habitats to the west, which is considered to be acceptable so long as the lighting is installed as indicated and retained thereafter.

It is therefore recommended that, having cognisance of the response of KC Ecology and the submitted scheme this condition is discharged.

<u>Biodiversity Net-gain</u>

On 19 November 2025 planning permission was granted for the 'erection of agricultural building and associated works' at 1000, New Hey Road, Outlane, Huddersfield, HD3 3FJ.

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

Assessment

The following documents have been submitted to form the biodiversity gain plan:

- Biodiversity Net Gain Assessment Report, submitted as part of application 2025/91413.
- Biodiversity Net Gain Metric, submitted as part of application 2025/91413.

The BNG metric states that Biodiversity net Gain with 0.02 habitats (12.50%) is to be achieved. This is to be achieved offsite and constitute a net gain of low distinctiveness to medium distinctiveness through the planting of wildflower seed mix.

Comments were received on 25 February 2026 from KC Ecology who confirmed that the uplift is appropriate and the provided information is satisfactory for the condition in law to be discharged.

It is therefore recommended that, having cognisance of the response of KC Ecology and the submitted scheme this condition is discharged.

Conclusion

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 considered to be satisfied and discharged by the submitted scheme.

Decision Notice Text

Condition 7

The following information has been submitted:

- Tree Protection Plan, received 16 December 2025
- Tree & Hedgerow Protection Statement, received 16 December 2025

The Hedgerow and Tree Protection Plan submitted to discharge condition 7 is considered acceptable and this condition is discharged on the basis of the submitted information which details a Hedgerow and Tree Protection Plan including measures for the protection of trees and hedgerows during the works. It is a requirement of this condition that the hedgerow and tree protection measures remain in place until the completion of development.

Condition 8

The following information has been submitted:

- Lighting Assessment, authored by UK Lighting Design, reference DB-2350-534, dated 10.02.2026.

The lighting scheme submitted to discharge condition 8 is considered acceptable and this condition is discharged on the basis of the submitted lighting scheme. It is a requirement of condition no.8 that all external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy

Biodiversity Net Gain

The following documents have been submitted to form the biodiversity gain plan:

- Biodiversity Net Gain Assessment Report, submitted as part of application 2025/91413.
- Biodiversity Net Gain Metric, submitted as part of application 2025/91413.

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.