

# 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

<b>Reference No:</b>	<b>2026/44/90123/W</b>
<b>Site Address:</b>	Land off, Blackmoorfoot Road and Felks Stile Road, Crosland Moor, Huddersfield, HD4 7AD
<b>Description:</b>	Discharge of details reserved by conditions 26 (LEMP), 27 (EDS) on [EAST PARCEL OF] previous permission 2024/92614 for variation and removal of conditions 4 (access works), 8 (Blackmoorfoot Road improvements), 10 (junction details), 16 (retaining wall design), 17 (highway structure design), 18 (surface water drainage strategy), 37 (external lighting strategy), 39 (crime mitigation measures) on previous outline permission 2020/92546 (with details of points of access only) for development of up to 770 residential dwellings (Class C3), including up to 70 care apartments (Classes C2/C3) with doctors surgery of up to 350 sqm (Class D1); up to 500 sqm of Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works
<b>Recommending Officer:</b>	Nick Hirst

#### **DECISION – Discharge of Condition – Approve**

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.

Jillian Rann

**AUTHORISED OFFICER**

**Date: 30-Apr-2026**

**Application:** 2026/44/90123/W

**Site:** Land off, Blackmoorfoot Road and Felks Stile Road, Crosland Moor, Huddersfield, HD4 7AD

**Proposal:** Discharge of details reserved by conditions 26 (LEMP), 27 (EDS) on [EAST PARCEL OF] previous permission 2024/92614 for variation and removal of conditions 4 (access works), 8 (Blackmoorfoot Road improvements), 10 (junction details), 16 (retaining wall design), 17 (highway structure design), 18 (surface water drainage strategy), 37 (external lighting strategy), 39 (crime mitigation measures) on previous outline permission 2020/92546 (with details of points of access only) for development of up to 770 residential dwellings (Class C3), including up to 70 care apartments (Classes C2/C3) with doctors surgery of up to 350 sqm (Class D1); up to 500 sqm of Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works

**Note:** Outline Application 2024/92614<sup>1</sup> granted permission for up to 770 dwellings (including 70 care apartments) and commercial floor space. However, the provision of this is expected to be split across several phases. Condition 6 on the outline required that a phasing plan be submitted and approved by the LPA. This has been done, under Discharge of Condition application ref. 2024/92892, where phasing plan ref. 426 Rev. F split the outline into four parcels:

- Millers (Western Residential Parcel) - Reserved Matters application ref. 2024/92235, comprising 231 units.
- Vistry (Eastern Residential Parcel) - Reserved Matters application ref. 2024/92365, comprising 469 units.
- Care Home - No Reserved Matters at the time of writing.
- Local Centre - No Reserved Matters at the time of writing.

Many of the conditions imposed on 2024/92614 require details to be submitted 'per phase'. This Discharge of Condition application relates to the Vistry parcel only.

## **Assessment**

### Condition 26 (LEMP)

*26. Prior to the commencement of a phase of development (other than for demolition, ground works and site preparation works), a landscape and ecological management plan (LEMP) for that phase shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:*

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<sup>1</sup> A Section 73 submission to 2020/92546

- a) *Description and evaluation of features to be managed;*
- b) *Ecological trends and constraints on site that might influence management;*
- c) *Aims and objectives of management;*
- d) *Appropriate management options for achieving aims and objectives;*
- e) *Prescriptions for management actions;*
- f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
- g) *Details of the body or organisation responsible for implementation of the plan; and*
- h) *Ongoing monitoring and remedial measures.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.*

**Reason:** *To ensure improvements the biodiversity of the site.*

The applicant has submitted the document ref. TG Report No. 10925 \_R11a \_BP rev. A pursuant to condition 26.

K.C. Ecology have reviewed the submitted details and have stated the following in their comments dated 22/12/2025:

*The BEMP document provided, which is an LEMP / EDS document also, has been reviewed. It is acceptable and in line with the requirements of the conditions. Condition 26 is met.*

K.C. Landscape were also consulted; however, no comments have been received within the 21-day period.

Officers have reviewed the document against the condition's requirements, as follows:

- a) *Description and evaluation of features to be managed;*

AND

- a) *Ecological trends and constraints on site that might influence management;*

Section 2 of the report describes the site context including details of habitats of ecological value that will be managed under this document.

*b) Aims and objectives of management;*

These are detailed in section 3.1 of the report, as:

*3.1. Considering the habitats and key fauna present within the site, the following objectives for nature conservation management have been set:*

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*Objective 1: To create a diverse range of new habitats on -site;*

*Objective 2: To ensure the continuance and expansion of opportunities for key faunal species identified on site;*

*Objective 3: To monitor the efficacy of nature conservation management through regular assessment of habitat establishment; and*

*Objective 4: To create high ecological value habitats in appropriate condition according to the targets set in the Defra biodiversity metric 2.0.*

*c) Appropriate management options for achieving aims and objectives;*

*AND*

*d) Prescriptions for management actions;*

*AND*

*e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*

Points d, e, and f are addressed together in section 4 of the report. Notably this includes table 4.1 which details each feature to be managed, management tasks, condition targets, and details of timing.

*f) Details of the body or organisation responsible for implementation of the plan; and*

Section 6 of the report describes who will be responsible for implementing the plan, where the following is stated:

*6.1. Vistry and Miller will jointly appoint a Resident 's Management Company to be responsible for the delivery of this BLEMP and the Miller BLEMP. The responsibility will be passed to a Resident's Management Company who will manage the Vistry Site and Miller Site open spaces in perpetuity and the Off - Site BNG Land for the BNG Lease period. It will be the responsibility of the Resident 's Management Company and their appointed contractors to deliver the practical measures detailed in this plan. It will be the Resident's Management Company overall*

*responsibility to ensure the prescriptions detailed in this management plan are delivered, and any remedial actions arranged and delivered.*

*h) Ongoing monitoring and remedial measures.*

Section 5 of the report sets out the monitoring and remedial actions where necessary and describes the monitoring and remedial action measures proposed. In terms of remediation, it specifies:

*Monitoring will then be required in Years 1, 2, 5, 10, 20 and 30 post-development. The appointed SQE will perform a condition assessment of the habitats to assess their progress against management objectives. Should the habitats appear to be failing or in poor condition, it will be the responsibility of the SQE to report this to the landowner. It will then be the responsibility of the landowner and their appointed contractors to implement the necessary remedial measures. The result of the monitoring in Years 1, 2, 5, 10, 20, and 30 will be compiled in reports for submission to the Local Planning Authority.*

The management objectives are detailed in Table 4.1. Specific remediation measures are only provided for certain features, including Monitor new planting (remediation measure to be restocking, as required). However, given the scale of the site and complexity of the various management features, and the various potential points of failure, a detailed remediation strategy for each is accepted to not be practical. Officers are satisfied that remediation actions to adhere to the original management tasks, as stated, is a reasonable standard.

### *Summary*

The condition also requires the *legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer*. Officers can confirm that this matter was addressed via the Section 106 secured at outline stage and that the submitted document adheres to the relevant requirements.

In summary, the submitted document adequately addressed all requirements of condition 26, to the satisfaction of officers and K.C. Ecology. It is therefore recommended that the details be approved, with the decision notice to include a note of the condition's ongoing requirement.

### Condition 27 (EDS)

*27. No development within a phase (excluding demolition) shall take place until an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development has been submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:*

- *Purpose and conservation objectives for the proposed works;*
- *Review of site potential and constraints;*
- *Detailed design(s) and/or working method(s) to achieve stated objectives;*
- *Extent and location/area of proposed works on appropriate scale maps and plans;*
- *Details of the establishment of mixed scrub and introduced shrub planting on the site;*
- *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- *• Persons responsible for implementing the works;*
- *Details of initial aftercare and long-term maintenance;*
- *Details for monitoring and remedial measures;*
- *Details for disposal of any wastes arising from works; and*
- *A lighting design strategy for biodiversity.*

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

**Reason:** *To ensure a scheme that provides ecological enhancement and habitat creation that provides a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.*

The applicant has submitted the document ref. TG Report No. 10925\_R11a\_BP rev. A pursuant to condition 27.

K.C. Ecology have reviewed the submitted details and have stated the following in their comments dated 22/12/2025:

*The BEMP document provided, which is an LEMP / EDS document also, has been reviewed. It is acceptable and in line with the requirements of the conditions. Condition 27 is met.*

The component parts of condition 27 are considered thusly:

- *Purpose and conservation objectives for the proposed works;*

These are identified in paragraph 3.1 and includes 4 objectives. These are:

- Objective 1: To create a diverse range of new habitats on-site.
- Objective 2: To ensure the continuance and expansion of opportunities of key faunal species on site
- Objective 3: To monitor the efficacy of nature conservation management through regular assessment of habitat establishment, and

- Objective 4: To create high ecological value habitats in appropriate condition according to the targets set in the DEFRA biodiversity metric 2.0.

These details are acceptable.

- *Review of site potential and constraints;*

AND

- *Detailed design(s) and/or working method(s) to achieve stated objectives;*

AND

- *Extent and location/area of proposed works on appropriate scale maps and plans;*

AND

- *Details of the establishment of mixed scrub and introduced shrub planting on the site;*

AND

- *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*

AND

- *Details of initial aftercare and long-term maintenance;*

Site constraints are considered in paragraphs 3.6 – 3.10.

Section 4 address the above points, setting out the proposed management arrangements, including tree planting, hedge planting, flowering lawn mixtures, and meadow planting, amongst others. This includes management rationale, management tasks, target measures to ensure compliance with Metric 2.0, and timing for works to be undertaken.

This is supplemented by section 7, that details bat and bird box specifications and delivery.

These details are clearly demonstrated on the appendix plans, namely:

Plan 1: Habitat Features Plan

Plan 2: Ecological Enhancements (comprising 2 separate drawings)

These details are acceptable.

- *Persons responsible for implementing the works;*

This is addressed in paragraphs 3.11 and 3.12. The responsible party is identified as Vistry, the applicant, to ensure delivery of the works. Furthermore, section 6 details long-term delivery arrangements, specifically that a residents management company will be responsible for long-term delivery.

These details are acceptable.

- *Details for monitoring and remedial measures;*

This is addressed within section 5 of the report. It includes a commitment to monitoring at 1, 2, 5, 10, 20, and 30 years post development and to undertaking any necessary remedial work, as may be identified.

These details are acceptable.

- *Details for disposal of any wastes arising from works; and*

This is detailed in section 7.5 of the document. This makes reference to the landscape management plan (considered above) and the use of composting waste.

These details are acceptable.

#### *A lighting design strategy for biodiversity*

The following is stated:

*7.3. The proposals have been designed to buffer and protect the features of highest importance for wildlife, namely the boundary vegetation and new roost structure which provide habitats for bats, birds, hedgehogs and badger.*

*7.4. Any detailed lighting plan will be designed as to avoid retained habitats such as woodland, scrub, as well as created habitats such as wildflower grassland, hedgerows, new tree planting, and will follow most up-to-date guidance 3. Habitats retained for wildlife will therefore be maintained close to 0 lux, and dark corridors will be retained through the Vistry Site for species passage. This will ensure connectivity and opportunities for wildlife are maintained and that the proposed lighting will not prevent species using their territory or having access to breeding sites, resting places or feeding areas.*

The above does not amount to a detailed lighting plan, although is accepted to be a high-level strategy approach that is broadly acceptable.

Condition 37 requires a specific detailed external lighting scheme to be submitted and approved. Subject to the note stating that the details to-be-submitted pursuant to condition 37 are expected to adhere to the above detailed strategy, it is considered pragmatic that the submitted details are acceptable, for the purpose of condition 27.

### *Summary*

Officers concur with assessment from K.C. Ecology and are satisfied that all component parts of condition 27 have been adequately considered and addressed within the submitted document. It is therefore recommended that the submitted details be approved.

Notwithstanding the above, the condition has an ongoing requirement which prohibits full discharge currently. A note reminding the applicant of this ongoing requirement is recommended.

### **Summary**

The submitted details, for each condition, may be approved.

**Recommendation:** Approve details

**Report Dated:** 22/04/2026

### **Proposed Letter Text**

#### Overview and phasing

This letter relates solely to the Eastern Parcel / Vistry Phase of the development, as defined on the approved phasing plan, ref. 426 Rev. F approved as part of Discharge of Condition application ref. 2024/92892.

#### Condition 26 (LEMP) and Condition 27 (EDS)

You have submitted the document ref. TG Report No. 10925\_R11a\_BP rev. A pursuant to conditions 26 and 27.

I can confirm that the submitted details are acceptable for both conditions and are hereby approved. However, be aware that each condition has an ongoing requirement which must be adhered to, to ensure ongoing compliance:

Condition 26:

*The approved plan shall be implemented in accordance with the approved details.*

Condition 27:

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

Be aware that the details to be submitted pursuant to condition 37, requiring a lighting design strategy, will be required to adhere to the indicative lighting strategy hereby approved (as part of condition 27, as detailed within section 7.3 of the submitted document).