

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:	2026/44/90248/W
Site Address:	Bradley Mills Road, between Kilner Bank and Brownroyd Avenue, Rawthorpe, Huddersfield
Description:	Discharge of details reserved by conditions 6 (landscaping/planting), 7 (CEMP), 14 (trees), 15 (PWMS), 16 (CEMP: biodiversity) and Biodiversity Gain Plan, on previous permission 2024/91963 for highway improvements works comprising carriageway and footway widening along with new kerb line and pedestrian barrier on north side of the highway between Kilner Bank and Brown Royd Avenue; new planting and hedgerow on northern land boundary to replace existing chain link fence
Recommending Officer:	Ellie Thornhill

DECISION – Discharge of Condition – Split Decision

I hereby authorise the split decision of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 16-Feb-2026

Application: 2026/90248

Site: Bradley Mills Road, between Kilner Bank and Brownroyd Avenue, Rawthorpe, Huddersfield

Proposal: Discharge of details reserved by conditions 6 (landscaping/planting), 7 (CEMP), tree loss mitigation scheme), 15 (PWMS), 16 (CEMP for biodiversity) and Biodiversity Gain Plan, on previous permission 2024/91963 for highway improvements works comprising carriageway and footway widening along with new kerb line and pedestrian barrier on north side of the highway between Kilner Bank and Brown Royd Avenue; new planting and hedgerow on northern land boundary to replace existing chain link fence.

Condition 6: Landscaping/planting

6. Pursuant to condition 5, landscaping and planting shall be undertaken in accordance with drawing no. 66083-KMC-3000-xx-C-DR and Landscaping Table 1: Proposed Wildflower Seed Mixture Specification. Details of the management and maintenance of the landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development. Thereafter the landscaped area(s), per the approved plans, shall be managed and maintained in accordance with the approved details.

Reason: *This pre-commencement condition is required to ensure that suitable landscaping has been agreed at an appropriate stage in the development process, in the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

In support of condition 6 the following documents have been submitted:

- Covering letter (dated 27th January 2026)
- Landscape Management and Maintenance Plan (dated February 2026)

Assessment

The details provided within the covering letter and management and maintenance plan set out that new areas of soft landscaping and planting are proposed, comprising wildflower planting over the new slope and sections of new hawthorn hedgerows adjacent to the highway.

The schedule of works identifies that the following landscape construction activities would be carried out:

- *Construct geocells over new soil nail slope and fill with pre-seeded site won topsoil. The topsoil is to be pre-seeded with the approved Table 1 Proposed Wildflower Seed Mixture Specification attached. The geocells are then to be covered with a biodegradable erosion protection product. This activity will be carried out at the end of the main construction works, approximately October to November 2026.*

- *Plant new section of new hawthorn hedgerows adjacent to the highway in accordance with Table 2: Proposed Hedgerow Specification. This activity will be carried out at the end of the main construction works, approximately November 2026.*

The planting of the new trees would be carried out manually using the 'T' notch method directly into the grass sward, with manual screening as necessary. The trees would be planted in a double row at 300mm centres (six trees per metre) in a zig-zag pattern. Bark would then be placed along the length of the new hedgerow to prevent weed growth and to reduce the loss of moisture. Biodegradable tree shelters are also proposed to be protect and allow the trees to establish.

The new planting would be situated within Kirklees Highways land and therefore its planting and maintenance would be carried out by utilising existing arrangements with colleagues within the Council's Parks and Green Spaces Team. A specific five year maintenance table has been provided although, as part of the council's managed land, would be managed indefinitely.

Officers support this assessment and recommend that the details be approved. As the conditions have an ongoing requirement they cannot currently be discharged in a full. A note of the ongoing requirements is recommended to be included on the decision notice.

Condition 7: Construction Environmental Management Plan (CEMP)

7. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties and highway safety and should include details of:

- a) Any phasing of development and timetable of all works;*
- a) Hours of works;*
- b) Details of construction access arrangements;*
- c) Construction vehicle sizes and routes;*
- d) Numbers and times of construction vehicle movements;*
- e) Locations of HGV waiting areas and details of their management;*
- f) Parking for construction workers;*
- g) Loading and unloading of plant and materials;*
- h) Storage of plant and materials;*
- i) Signage;*
- j) Lighting during construction works;*
- k) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;*
- l) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;*
- m) Street sweeping;*

- n) Site waste management, including details of recycling/disposing of waste resulting from construction works;*
- o) Mitigation of noise and vibration, giving due regard to both nearby commercial and residential properties, arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;*
- p) Artificial lighting used in connection with all construction-related activities and security of the construction site;*
- q) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;*
- r) Engagement with local residents, occupants and nearby businesses or their representatives; and*
- s) Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).*
- t) Dust arising from all construction related activities, and what measures to monitor and record the emissions of dust during construction are to be taken.*

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: *In the interests of amenity, highway safety, and to accord with Policies LP21, LP24, and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise impacts on amenity are devised and agreed at an appropriate stage of the development process.*

In support of condition 7 the following document has been submitted:

- Construction Environment Management Plan (CEMP): Tree Felling (dated February 2026, Revision 0)

Assessment

NOTE: The CEMP submitted is solely in relation to the initial tree felling works. Further details in relation to the construction and ground works will need to be submitted in due course, prior to the development commencing. Given the intended purpose of the condition; to ensure adequate consideration and implementation of construction management, a phased / split approach is considered reasonable, subject to clear reference that a construction-phase CEMP will remain necessary before any non-felling related works commence.

The document submitted sets out that significant tree felling is required to accommodate the proposed construction works. The tree felling must be carried out in advance of the main works, proposed for June 2026, to avoid the bird nesting season and would be carried out by Kirklees Council's Arboricultural Team over a 2 week period commencing Monday 16th February 2026.

With regards to traffic management and working hours, the document states that Bradley Mills Road has relatively high traffic flows and is of strategic importance to the network. As such, traffic management is limited to off peak hours between 09:30-15:30 Monday to Friday only.

The document further states:

For the first week of the tree felling works (Monday 16th February to Friday 20th February 2026), Bradley Mills Road will be closed to vehicles between 09:30 and 15:30 from the junction with Kilner Bank (western extent) to the junction with Brown Royd Avenue (eastern extent). Pedestrian access will be unrestricted along Bradley Mills Road throughout the first week of the tree felling works however, for safety the Public Right of Way steps will also be closed at this time.

For the second week of the tree felling works (Monday 23rd February to Friday 27th February 2026), Bradley Mills Road will be open to vehicles however, a temporary traffic light controlled lane closure will be in place between 09:30 and 15:00. Pedestrian access will be unrestricted along Bradley Mills Road throughout the second week of the tree felling works, including the Public Right of Way steps.

The tree felling is to remove approximately 150 trees from a steep slope on the south of Bradley Mills Road. Due to the topography, it is proposed to fell the trees and then lower the timber down to Bradley Mills Road to remove off-site.

No timber log piles would be left on site. For any timber that cannot be removed off site that day, it would be stored in the proposed temporary construction compound off Bradley Mills Road, opposite the junction with Kilner Bank. It is also confirmed that no plant would be left on site overnight and that the temporary construction compound would not be used outside the hours of 09:00 to 17:00 Monday to Friday.

With regards to noise and dust, no noisy construction (felling) shall be undertaken outside of the hours of 09:30 to 15:30 Monday to Friday (as set out above). The proposed tree felling is also not considered to generate significant amounts of dust given the nature of the activities and wet condition of the site. However, it is confirmed that at the end of each working day, Bradley Mills Road will be cleaned via an appropriate sweeper. This has been considered acceptable, in order to protect nearby residential amenity.

Lastly, in terms of plant and vehicles parking, the largest vehicles on site would comprise an 18 tonne open top lorry (tipper style) to remove the felled timber along with a standard size agricultural tractor used to move and load the felled timber onto the lorry. The remaining vehicles to be utilised for the tree felling work would be pick-up trucks and small vans.

Other vehicles would either be parked on (the part closed) Bradley Mills Road or within the proposed temporary construction compound throughout the

duration of the tree felling works. No vehicles are to be left on site outside the hours of 09:00 to 17:00 Monday to Friday.

In summary, Officers consider the CEMP submitted **for the tree felling works only** to be considered acceptable. However, as noted above, a full CEMP for the construction and ground works, would need to be submitted before development commences and which is recommended to be noted on the decision notice.

As such, condition 7 cannot be discharged at this time, and must remain.

Condition 14: Mitigation scheme for the loss of surrounding trees

14. Prior to development commencing, a detailed mitigation scheme for the loss of surrounding trees shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the amount of canopy cover to be lost and deliver a minimum 110% replacement canopy cover. Furthermore, it shall include a woodland management and maintenance strategy, to cover a minimum of five years. The development shall then be undertaken in accordance with the approved details and be retained thereafter.

Reason: *This pre-commencement condition is required to ensure that suitable mitigation works are agreed at an appropriate stage in the development process, in the interests of safeguarding future tree cover and amenity and to ensure that the suitable planting is carried out to accord with LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

In support of condition 14 the following document has been submitted:

- Planting Specification and Aftercare (dated February 2026)

Assessment

The document submitted identifies new tree planting areas to infill gaps in the existing woodland canopy to the south of Bradley Mill Road. These are shown indicatively within the green hatched areas on the plan appended to this document.

As identified within the original application (the approved Arboricultural Impact Assessment), there would be 1500m² of tree canopy cover lost as part of this development and therefore the scheme proposes to plant a minimum of 1650m², which would be 150m² of additional canopy cover. This would equate to 110%, as required by the condition. The document confirms that the trees are to be planted between November 2026 and February 2027, avoiding very cold or windy weather.

Tree planting and its management, including a five year aftercare has been provided within the submitted document.

As such, the information submitted is considered acceptable for the purpose of condition 14 and is recommended for approval. However, should the re-planting scheme not be able to be provided in the proposed location (due to consultation and/or other factors, outside of the realms of planning), a new scheme to meet the requirements of condition 14 would be required.

Condition 15: Precautionary working method statement (PWMS)

15. Prior to works on-site commencing, a precautionary working method statement (PWMS) detailing all precautionary working methods in respect of protected species must be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: *This pre-commencement condition is required to ensure that suitable precautionary methods are agreed at an appropriate stage in the development process, in the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

In support of condition 15 the following document has been submitted:

- Precautionary Method Statement (reference: SQ-3346)

Consultation Response

KC Ecology – Response Received 02/02/26

The PWMS has been reviewed, which is for badgers, birds, and hedgehogs. It is acceptable and within the requirements of the condition.

Condition 15 is met

Assessment

The submitted report is suitably detailed and considers the relevant species potentially within the site or wider area. Officers concur with the conclusions made by KC Ecology and therefore the information submitted in support of condition 15 can be accepted.

However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 16: CEMP: for Biodiversity

16. Prior to works commencing a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following: a) Summary of potential damaging activities

- a) Identification of “biodiversity protection zones”*
- b) 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)*
- c) The location and timing of sensitive works to avoid harm to biodiversity features*
- d) The times during construction when specialist ecologists need to be present on site to oversee works*
- e) Responsible persons and lines of communication*
- f) The role and responsibilities on a site of an ecological clerk of works (ECoW) or similarly competent person*
- g) Use of protective fences, exclusion barriers and warning signs*

The development shall be undertaken strictly in accordance with the approved CEMP: Biodiversity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: *This pre-commencement condition is required to ensure that a system is agreed at an appropriate stage in the development process, in the interests of protecting biodiversity during construction works and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

In support of condition 16 the following document has been submitted:

- Construction Environmental Management Plan (reference: SQ-3346)

Consultation Response

KC Ecology – Response Received 02/02/26

The CEMP has been reviewed and is acceptable.

Condition 16 is met.

Assessment

Planning Officers concur with the conclusions made by KC Ecology and consider the CEMP (for Biodiversity) to be acceptable and is hereby approved. However, as the condition has an ongoing requirement it cannot currently be discharged in a full. A note of the ongoing requirement is recommended to be included on the decision notice.

Biodiversity Net Gain Plan

Note: In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) development may not be begun unless:

- a) a biodiversity gain plan has been submitted to the planning authority; and*

a) *The planning authority has approved the plan.*

The biodiversity gain plan must include:

- 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;*
- a) the pre-development biodiversity value of the onsite habitat;*
- b) the post-development biodiversity value of the onsite habitat;*
- c) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;*
- d) any biodiversity credits purchased for the development; and*
- e) any such other matters as the Secretary of State may by regulations specify.*

In support of this requirement following document has been submitted:

- Biodiversity Gain Plan (unreferenced)
- Biodiversity Unit Purchase Certificate

Consultation Response

KC Ecology – Response Received 02/02/26

The BNG metric states that Biodiversity net Gain with 0.23 habitats (21.86%) is predicted to be achieved. This is through the creation of 0.22 habitat units onsite (with low distinctiveness); and enhancement of offsite woodland with an increase of 1.07 habitat units (with medium distinctiveness habitats). The offsite net gain is through the purchase of 1.07 habitat units for Environment Bank.

Condition is met at this stage of application.

Assessment

Planning Officers and KC Ecology have reviewed the submitted information and have noted that the BNG metric states that 0.23 habitats (21.86%) would be achieved. Of this, 0.22 habitats units would be created on site, and an increase of 1.07 habitat units would be provided via the enhancement of offsite woodland. This would be achieved through the purchase of 1.07 habitat units at the Environment Bank.

A Biodiversity Unit Purchase Certificate has been submitted in support of this application to confirm this purchase.

On this basis, the applicant has demonstrated a minimum 10% net gain via the approved methods and therefore the condition is met and recommended to be approved.

Recommendation: Issue split decision (partial approval of condition 7)

Report Dated: 16/02/2026

Recommended Decision Notice Text

Overview

This decision letter concludes the following:

- **Partial discharge:** 7 (CEMP)
- **Details approved:** 6 (Landscaping/planting), 14 (tree loss mitigation scheme), 15 (A precautionary working method), 16 (CEMP: for biodiversity) and Biodiversity Net Gain Plan

Condition 6: Landscaping/planting

Pursuant to condition 6, you have submitted:

- Covering letter (dated 27th January 2026)
- Landscape Management and Maintenance Plan (dated February 2026)

The details submitted pursuant to condition 6 have been considered acceptable and are hereby approved.

However, please be aware that condition 6 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

Thereafter the landscaped area(s), per the approved plans, shall be managed and maintained in accordance with the approved details.

Condition 7: Construction Environmental Management Plan (CEMP)

Pursuant to condition 7, you have submitted:

- Construction Environment Management Plan (CEMP): Tree Felling (dated February 2026, Revision 0)

The CEMP submitted **for the tree felling works only** is considered acceptable and would allow for such works to be undertaken. You are reminded that the condition stipulates that:

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Notwithstanding the above, a full CEMP for the construction and ground works still needs to be submitted before development (i.e., non-felling) commences.

As such, condition 7 **cannot** be fully discharged at this time, and must remain.

For the avoidance of doubt, a fresh Discharge of Condition application will be required to allow further consideration of this condition.

Condition 14: Mitigation scheme for the loss of surrounding trees

Pursuant to condition 14, you have submitted:

- Planting Specification and Aftercare (dated February 2026)

The information submitted is considered acceptable for the purpose of condition 14.

However, please be aware that condition 14 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall then be undertaken in accordance with the approved details and be retained thereafter.

NOTE: You are reminded that should the re-planting scheme not be able to be provided in the proposed location a new scheme to meet the requirements of condition 14 would be required.

Condition 15: A precautionary working method statement (PWMS)

Pursuant to condition 15, you have submitted:

- Precautionary Method Statement (reference: SQ-3346)

The submitted details are acceptable and are hereby approved.

However, please be aware that condition 15 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall then be undertaken in accordance with the approved details.

Condition 16: CEMP: for Biodiversity

Pursuant to condition 16, you have submitted:

- Construction Environmental Management Plan (reference: SQ-3346)

The submitted details are acceptable and are hereby approved.

However, please be aware that condition 16 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance with the condition:

The development shall be undertaken strictly in accordance with the approved CEMP: Biodiversity, unless otherwise agreed in writing by the Local Planning Authority.

Biodiversity Net Gain Plan

In relation to the above, you have submitted:

- Biodiversity Gain Plan (unreferenced)
- Biodiversity Unit Purchase Certificate

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.