

**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>	2026/44/91128/E
<b>Site Address:</b>	Birkenshaw Liberal Club, 10, Croft Street, Birkenshaw, BD11 2HT
<b>Description:</b>	Discharge of details reserved by Condition (biodiversity net gain) of permission 2024/91853 for erection of residential development
<b>Recommending Officer:</b>	Katie Chew

**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.**

Nick Hirst

***AUTHORISED OFFICER***

**Date: 30-Apr-2026**

**Application:** 2026/91128

**Application Site:** Birkenshaw Liberal Club, 10, Croft Street, Birkenshaw, BD11 2HT.

**Proposal:** Discharge of details reserved by Condition (biodiversity net gain informative note) of permission 2024/91853 for erection of residential development.

## **Assessment**

### **Biodiversity Net Gain Plan**

*NOTE: In accordance with 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 value of that gain in relation to the development;*
- d) Any biodiversity credits purchased for the development; and*
- e) Any such matters as the Secretary of State may be regulations specify.*

In support of this requirement, the following documents have been submitted:

- Biodiversity gain plan, (unreferenced), received 24/04/2026.
- Planning application forms, (unreferenced), received 24/04/2026.
- Preliminary Ecological Appraisal Report, Reference: ER-7290-01, authored by Brooks Ecological, dated 09/01/2025, received 24/04/2026.
- Biodiversity Net Gain Assessment, Reference: ER-7290-03A, authored by Brooks Ecological, dated 09/01/2025, received 24/04/2026.
- Habitat Management and Monitoring Plan, Version 1.0, authored by Brooks Ecological, dated 03/02/2026, received 24/04/2026.
- The Statutory Biodiversity Metric, dated 11/04/2024, received 24/04/2026.

- The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment Sheets and Methodology, dated November 2023, received 24/04/2026.
- Sales Agreement, Ref: Docusign Envelope ID: A7BE77D4-CBB9-49EC-87CC-B71EBBA84B7A, dated 17/04/2026, received 29/04/2026.
- Email from Manage Biodiversity Gains Gov.UK, dated 21/04/2026, received 29/04/2026.

The above conditions have been reviewed by KC Ecology who have noted in their comments received 29/04/2026:

*I have reviewed the information submitted with this application.*

*The BNG Plan states that offsite units have been purchased from the habitat bank with the reference BGS-1212240001 but this allocation is not currently showing on the BNG Sites Register. I know applicants have been having issues with the delay in which allocations are going onto this register, but I would recommend that further evidence of off-site unit purchase is provided to enable discharge of the BNG Plan.*

*The Habitat Management and Monitoring Plan includes appropriate detail for the establishment of the habitats included in the Net Gain Assessment, and references a Landscape Maintenance & Management Plan, this document (submitted as part of application 2026/44/90205/E) sets out annual maintenance for these habitats post year 5. A scheme of monitoring is also included within the HMMP, these reports should be provided to Kirklees Council in accordance with the review periods proposed.*

Following receipt of the above comments, the applicant's agent sought to submit a sales agreement document and email from Manage Biodiversity Gains Gov.UK of which KC Ecology have confirmed in their comments dated 30/04/2026:

*I'm satisfied that the information provided demonstrates the purchase of the necessary offsite units, and the information in the BNG Plan can be discharged.*

Officers concur with the above assessment and note that the submitted sales agreement document confirms the purchase of 1.27 units of Other Neutral Grassland, 0.55 units of Mixed Scrub, 0.73 units of Lowland Meadow and 0.08 units of Native Hedgerow with Trees by the applicant. This would meet with the requirements of a 10% net gain, whereby 2.55 units are to be provided off site, as outlined within the Biodiversity Net Gain Assessment and therefore meets the trading rules.

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. It is recommended a note regarding the submission of monitoring reports be included too, as stated by K.C. Ecology.

**Recommendation:** Discharge condition.

**Report Dated:** 30/04/2026

### **Recommended Decision Notice Text**

Biodiversity Net Gain Plan – Condition imposed via Schedule 7A of the Town and Country Planning Act (as inserted by Schedule 14 of the Environment Act 2021)

Pursuant to the above, you have submitted:

- Biodiversity gain plan, (unreferenced), received 24/04/2026.
- Planning application forms, (unreferenced), received 24/04/2026.
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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.

Notwithstanding the above, in accordance with the hereby approved Habitat Management and Monitoring Plan, the proposed monitoring reports should be provided to Kirklees Council in accordance with the reviewed periods proposed. The monitoring reports can be sent to:

[ENVUBiodiversityandLandUse@kirklees.gov.uk](mailto:ENVUBiodiversityandLandUse@kirklees.gov.uk)

