

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:	2026/44/91982/E
Site Address:	Land at Gelderd Road, Birstall, Batley, , WF17 9DT
Description:	Discharge of details reserved by planning obligation (Biodiversity Gain Plan) on previous permission 2025/91965 for installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements including associated works
Recommending Officer:	Ellen Gilbert

DECISION – Discharge of Details - 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 09-Sep-2026

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2025/62/91965/E and permission granted for the installation of electric vehicle charging points with infrastructure, lighting and CCTV, erection of amenity block and access improvements including associated works, on the 28th of January 2026.

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:

- BNG Gain Plan submitted as part of the subject of this application 2026/44/91982/E (Document Reference: CRM.3030.020.EC.R.004)
- Small Sites Metric submitted as part of application number 2025/62/91965/E (Document Reference CRM.3030.020.EC.R.002)
- Soft Landscaping Plan as submitted as part of application number 2025/62/91965/E (Document Reference: CRM3030020-ENZ-XX-XX-DR-Z-0001)

The BNG Gain Plan references the approved Small Sites Metric site plan (CRM.3030.020.EC.R.002) and Soft Landscaping Plan (CRM3030020-ENZ-XX-XX-DR-Z-0001) which identifies the location and specifications of proposed planting. The accompanying Biodiversity Net Gain (BNG) calculations confirm that the required net gain will be achieved by implementation of the landscaping detailed in the drawing and confirms that a 10% uplift can be achieved on-site.

The aforementioned documents have been reviewed by Kirklees Council's Ecology team. The assessment was deemed reasonable and acceptable, with the on-site BNG measures expected to deliver a significant net gain through the creation of medium distinctiveness habitats.

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 LETTER TEXT

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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.