

**Consultation Response from KC,  
Ecology Unit**

**2023/91405 Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor,  
Huddersfield, HD4 5RA**

**Erection of foodstore (class E) with associated access, parking, servicing area and  
landscaping**

**Date Responded: 10/01/2024**

**Responding Officer: Gareth Hey**

**Responding Ref:**

An Ecological Impact Assessment (EclA) has been submitted with the application, which is welcomed. The site comprises a brownfield site where St Lukes hospital, formerly lay.

The report details that the site primarily comprises high levels of hardstanding, with some grassland and scrub, also present. The report also details that overall, the site provides minimal value for ecological receptors, with only some suitability for roosting bats and nesting birds present within the trees and scrub at the site. The recommendations made in the report indicate that soft felling of trees with low bat roosting suitability and a low impact lighting strategy to avoid impacts to foraging and commuting bats will be required. In addition to the above, standard mitigation measures for nesting birds that may be impacted by the proposed development in nesting season, are also recommended.

The EclA also contains a biodiversity net gain assessment which concludes that the development will result in a net loss of 79.8% (-1.43 habitat units). In order for the proposals to come forward in line with national and local policies and guidance, in order for the development to achieve a 10% net gain, 1.61 habitat units will need to be delivered, via off-site compensation. In line with the [Kirklees Biodiversity Net Gain Technical Advice Note](#), off-site compensation can be secured through one, or a combination of, the following:

- Management of land within the control of the developer;
- Purchase of the required compensation value from a Habitat Bank;
- Payment of a commuted sum to the Local Planning Authority; or
- A combination of all or some of the above.

Applicants are encouraged firstly to source and bring forward appropriate sites on which their biodiversity offsetting can occur. These should be reasonably close to the development site and have the potential to establish or enhance in-kind habitats to those due to be lost. If the applicant is unable to secure a site where adequate biodiversity offsetting can occur then a financial payment to Kirklees Council, for use to enhance biodiversity on council managed land, will be required. In order for the development to achieve a 10% net gain, a financial contribution of (based on £20,000 per habitat unit (figure taken from 2019 DEFRA Impact Assessment) + 15% admin fee (figure taken from Kirklees Biodiversity Net Gain Technical Advice Note)), £37,030 will be required, which will need to be secured through a Section 106 agreement. The habitats that are due to be delivered on site will be secured through a condition, detailed below.

To ensure the proposed development complies with national and local planning policies, the following conditions are recommended.

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP). The plan shall demonstrate how a minimum of 0.36 habitat units to be achieved post-development and include details of the following:
  - a. Description and evaluation of features to be managed and enhanced;
  - b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
  - c. Ecological trends and constraints on site that might influence management;
  - d. Aims and Objectives of management;
  - e. Appropriate management Actions for achieving Aims and Objectives;

- f. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
- g. Details of the management body or organisation responsible for implementation of the BEMP;
- h. Ongoing monitoring programme and remedial measures; and
- i. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP 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 BEMP. The approved BEMP will be implemented in accordance with the approved details.

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

2. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds and roosting bats.
  - b. Identification of “biodiversity protection zones”, where appropriate.
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
  - f. Responsible persons and lines of communication.
  - g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason.** To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

3. A “lighting design strategy for biodiversity”, in line with ‘Bats and Artificial Lighting at Night’ ILP Guidance Note (GN08/23) shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

**Reason:** In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework