
Planning application 141622/FO/2024 114 Chain Road

From [REDACTED]
Date Mon 13/01/2025 13:32
To Sue Wills [REDACTED]

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Hi Sue

Thank you for consulting the GMEU

Summary.

There is a significant shortfall in achieving 10% BNG. Other ecological issues include presence of roosting bats, nesting birds and invasive species.

Bats

The buildings and trees on the site were assessed for roosting bats. Dusk and dawn surveys were also carried out for the buildings. A number of small common pipistrelle roosts were identified within the main building. Moderate levels of bat activity, primarily common pipistrelle was recorded. No roosts were identified within any of the trees, though several with potential bat roosting features will be lost. I have no reason to doubt the findings of the report. A license will be required from Natural England for demolition of the main building if planning permission is given. I am satisfied that mitigation can be provided given the low number of bats found and therefore a derogation from the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 acceptable. I recommend a condition along the following lines to any permission.

The demolition of Building B1 is likely to cause harm to common pipistrelle bats as identified in the Bat Emergence and Re-entry surveys, by Arbtech dated 5th June 2024 and shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or*
- b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license*

Three trees proposed for removal were assessed as having bat roosting potential, T87, T108 and T123, following ground level and aerial inspections. It was concluded that emergence surveys were not required and that the three trees can be felled under precautionary working measures. I have no reason to doubt the findings and conclusions of the report. I therefore recommend a condition along the following lines is applied to any permission.

The removal of trees T87, T108 & T123 may has the potential to cause harm to bats as identified in the Ecological Impact Assessment Tyler Grange ref. 16680_R03d_LCD and shall not in any circumstances occur unless a precautionary working measures method statement has been provided to and agreed in writing by the local planning authority

External lighting is proposed including uplighting of trees. Given the site appears to provide at least moderate foraging habitat for bats including common pipistrelle and brown long-eared, any such lighting should be

sensitive to bats ie have negligible overall impact on the habitat available for foraging. I therefore recommend a condition along the following lines is applied to any permission.

Prior to development an external lighting design strategy shall be submitted to and approved in writing by the LPA. The strategy shall:

- *Identify areas/features on site that are potentially sensitive to lighting for bats;*
- *show how and where external lighting will be installed and through appropriate lighting contour plans (isolux) demonstrate clearly that any impacts on bats is negligible;*
- *Specify frequency and duration of use.*

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Badger

No evidence of badger or badger setts was recorded. Habitats were however suitable and badger are capable of colonising a site rapidly. I therefore accept the consultant's recommendation is reasonable and that a predevelopment survey should occur prior to any vegetation clearance or earthworks.

Prior to commencement of any earthworks a survey of the site and within 30m of the earthworks for badger setts will occur and the findings supplied to and agreed in writing by the LPA.

Other Protected Species

I am satisfied that the site is very low risk for any other protected species, owing to its isolation from any suitable habitats. No further information or measures are required.

Nesting Birds

Trees and shrubs will be lost and the buildings assessed as providing bird nesting opportunities. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur or demolitions commence between the 1st March and 31st August in any year unless a precautionary working method statement for nesting birds by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Other Wildlife

The habitats on the site provide cover for other species of wildlife including priority species such as hedgehog and common toad. Hedgehog have been recorded within the adjacent residential areas. Whilst not protected under wildlife legislation all mammals are protected under animal welfare legislation and it is best practice to minimise harm to all wildlife. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks or vegetation clearance a precautionary working measures method statement for mammals and amphibians will be provided to and agreed in writing by the LPA.

Invasive Species

Himalayan balsam, rhododendron and a Cotoneaster were recorded on the site. Species such as Himalayan balsam, non-ornamental rhododendron and certain species of Cotoneaster are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. Whilst the rhododendron and Cotoneaster are not significant issues on this site, I recommend the Himalayan balsam is controlled. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any vegetation clearance or earthworks an invasive species management strategy for Himalayan balsam and any other invasive species disturbed as a result of the development will be provided to and agreed in writing by the LPA

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021). The development will result in the loss of areas of grassland and existing soft landscaping to development. New soft landscaping is proposed. Wildlife impacts include loss of bat roosting and bird nesting habitat.

The development is subject to the statutory general biodiversity gain condition. A metric has been provided that indicates a shortfall of 4.95 biodiversity units to achieve 10% net gain for area based habitats. More than 10% net gain is achieved for hedge units. There are no river units on the site, therefore 10% net gain is not required. There are no obvious issues with the baseline assessment. I am therefore willing to accept the site value of 16.8 units for area based habitats and the baseline hedge units value. The main losses are due to loss of grassland to the car park and removal of trees.

The main habitat creation is urban tree planting and new modified grassland. My only issues/recommendations are:

- the inclusion of 31 medium size trees. Clarification that they intend to plant trees with greater than 30cm dbh is required in order to accept this, as urban tree planting is based on the trees size at year 1 not year 30, and it is rare and expensive to plant trees of this size.
- a review of tree removal proposals, as retention of any additional trees would reduce the deficit. Otherwise, it is difficult to see how the deficit can be reduced without reducing the scale of the car parks.

I recommend that the developer also provides a net gain strategy given the scale of the losses, as this could impact the viability of the development.

With regards wildlife, I recommend provision of bird and bat boxes on the new build and retained mature trees. With regards birds, as there is evidence of house sparrow nearby, house sparrow terraces are recommended on the new build. *The final details can be provided via condition.*

Ecologist

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