

GMEU response - 70763

Summary

A thorough ecological report has been provided. Biodiversity net gain is likely to be an issue on this site. Other ecological issues include nesting birds, small mammals and invasive species.

Protected Species

I agree with the ecological consultant that it is very unlikely that there are any protected species associated with this site. There are no suitable habitats on the site or within the zone of influence of the development. No further information or measures are required.

Nesting Birds

The scrub on the site provides high value habitat for nesting birds. It is very likely that birds nest on the site. 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 between the 1st March and 31st August in any year unless a nesting bird survey and method statement for clearance is provided by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Other Wildlife

The dense scrub will provide cover and potentially breeding habitat for small mammals and could provide cover for other wildlife such as amphibians and reptiles. I agree however with the consultant that reptiles are not confirmed from the Borough and that whilst garden ponds may be present nearby suitable for common frog and species such as smooth newt, the risks of such species being present is fairly low. I also take on board the consultant's opinion that the site is also difficult to access for larger terrestrial wildlife owing to garden fencing and gate. On balance however the residual risk of harm and suffering to mammals is sufficient that I recommend site clearance occurs under reasonable avoidance measures method statement. I therefore recommend a condition along the following lines is applied to any permission.

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

Invasive Species

Two species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded on the site, monbetia and variegated yellow-archangel. It is an offence to introduce or cause to grow wild any plant listed under this schedule. The consultant also lists other non-native and potentially invasive species but these are currently not covered by UK legislation.

Whilst the proposed site is a residential dwelling and therefore not wild and therefore any monbetia or variegated yellow-archangel not an issue on such a site, with no risk of spreading naturally from the site to the wild, there is a risk during construction of material contaminated with these species being transported off-site either accidentally or deliberately. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks or vegetation clearance a method statement for the control of monbetia and variegated yellow-archangel 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 site is currently primarily dense scrub a medium value habitat. This will be replaced by a garden and dwelling low and negligible value habitats. The main wildlife issue is nesting birds.

The developer has ticked that the application is exempt from mandatory BNG under the de minimis rule. However, I would disagree as more than 25sqm of habitat are lost. I note also that a net gain metric has been provided. I was however unable to open the metric.

I therefore request that prior to determination a copy of the metric is provided.

It is however unlikely that 10% BNG can be achieved on the site as unfortunately no matter how good the wildlife value of the proposed garden the statutory metric does not take this in to account owing to the LPA having no control over the management of a garden in the future. Off-site compensation will therefore likely be required. Dependent on the shortfall, this may require more detail on how the statutory metric will be discharged.

With regards wildlife, I am satisfied that mitigation can be achieved on the site. *The details can be provided via condition.*

Ecologist

Planning

Investment, Development and Housing

Place