

GMEU response

Summary

There are no significant ecological issues with this development. Issues relating to bats, nesting birds and invasive species can be dealt with via condition. 10% Biodiversity net gain is achievable on-site.

Bats

Two trees were identified as requiring further assessment if they need to be removed to facilitate the development, both however appear to be retained. I therefore recommend a condition along the following lines is applied to any permission.

The removal of two oaks may have the potential to cause harm to bats as identified in the Preliminary Ecological Appraisal ADAS ref: 1052520/WNT69105-1860 (00) section 7.3.2 and shall not in any circumstances occur unless further survey is carried out and provided to and agreed in writing by the local planning authority

Other Protected Species

Whilst other protected species such as otter and badger are likely to be present in the wider area and ponds are present within 250m, I am satisfied given the nature of the development site, short grazed grassland that the likelihood of an offence is very low. I would also note that the ponds within 250m have been surveyed historically and no great crested newts found. No further survey information is required and that general precautionary working measures will be adequate. See below.

Nesting Birds

Whilst the main development site is short grassland, trees and scrub may require cutting back to enable access, potential bird nesting habitat. 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 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

As noted by the consultant species such as badger and amphibians could utilise the site on occasion as could other wildlife. There is therefore a low risk of harm during construction. 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, giant hogweed and Japanese knotweed are located in close proximity to the site, with associated biosecurity risks primarily as a result of access and seed tracked off-site. Given the extent of these species in the locality eradication would be unreasonable. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any machinery on-site a precautionary working measures method statement including biosecurity protocols, will be provided to and agreed in writing by the LPA

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

Section 187 of the NPPF 2024 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 around half a hectare of low value grassland to development, with a similar area of low value grassland enhanced and a hedge planted around the site. There appear to be no significant species issues.

A BNG assessment has been provided that indicates 10% net gain can be easily achieved on the site. I accept that this is the case my only query being whether the baseline has been over-estimated as they have identified the woodland on the site as high value habitat and I am aware that the majority of the woodland on Outwood was plantation following the restoration of Outwood Colliery and the powerstation in the 1980's. Some is however natural regeneration that could have developed in to Lowland deciduous woodland. As this does not materially change the proposals, any amendments to the baseline can be left to discharge of conditions stage.

The habitat creation and enhancement proposals on the site are significant as defined by defra. Therefore a habitat management and monitoring plan for the other neutral grassland and species rich hedgerow with trees should be provided. A legal agreement or condition will also be required to control the HMMP over a 30 year period. Based on the number of units generated a legal agreement would be proportionate, but given the simplicity of the habitat created and fact that there is flexibility to reduce the post development habitat condition and still achieve 10% net gain, I would have no issues with a standard condition. I will leave it to the LPA to decide.

To discharge the statutory biodiversity condition the finalised metric, HMMP and biodiversity gain plan will be required.

With regards wildlife, I agree with the consultant that the provision of bird and bat boxes on retained trees should occur. The details can be provided via condition.

Ecologist

Planning and Transportation

Place