

Summary

The main ecological issues are validity of the ecological report and biodiversity net gain.

Validity of the Ecological Report

Whilst I previously accepted the findings of this ecological report with reference to the previous application 69051, the survey was carried out in February 2022 and is therefore under best practice no longer valid. Guidance from CIEEM is that for surveys over 18 months of age a review of the previous survey is likely required and for surveys over 3 years of age a full resurvey likely required. (I have attached the guidance).

However, this is guidance, the application outline and I previously accepted that other than nesting birds, the site was of limited ecological value. I would regard it as very unlikely that an updated survey would find any new significant ecological constraints. Therefore, I am satisfied that a full update can be conditioned for provision at reserved matters if outline permission is granted along the following lines.

As part of reserved matters a fully update ecological assessment will be provided to and agreed in writing by the LPA along with mitigation proposals for any significant ecological issues identified.

Nesting Birds

The scrub on the site appears to have increased since the previous application, potential bird nesting habitat. Trees and hedge to improve site lines will also require removal. 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 survey method statement by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Other Wildlife

Previously the site was assessed as providing limited potential for species such as hedgehog and no ponds recorded nearby to the site. Whilst the level of risk appears to have increased, I am still satisfied that an informative along the following lines can be applied to any permission.

The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

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 low and moderate ecological value habitats to developed land and garden. I recommend new hedges and replacement trees are provided for losses required to improve visibility. Mitigation for loss of bird nesting habitat will also be required.

The applicant has claimed exemption from mandatory biodiversity net gain under the self-build rule. It is for the LPA to determine the validity of this claim and for the plot to be reserved for self-build if accepted and the application approved as BNG, cannot as far as I am aware be applied to a reserved matters application if the outline application was exempted.

Biodiversity mitigation and enhancement (assuming exempt from BNG) can be conditioned along the following lines.

As part of reserved matters a biodiversity mitigation and enhancement plan including, but not necessarily restricted to, replacement tree and hedge planting utilising native species and provision of bird boxes, will be provided to and agreed in writing by the LPA.

Ecologist

Planning and Transportation

Place