

GMEU response

Summary

Further bat surveys are recommended along with a biodiversity net gain assessment. Other Potential ecological issues include great crested newts, nesting birds and invasive species.

Bats

For the previous application surveys found no evidence of bats. This survey is now becoming dated. The building and trees have however been reassessed and the level of risk in the building to be demolished increased to high for hibernation roosts and further surveys recommended. Further survey is also recommended on one tree. I therefore recommend that prior to determination further surveys are carried out in line with the recommendations of the bat report as:

Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005)

The consultant also recommends updated emergence survey if demolition is delayed beyond May 2025. I would however regard these surveys as already requiring updating. The surveys are already over two years old with only one within the optimal survey period. I previously accepted the report was valid as the previous application was only for a refurbishment, therefore the risk of harm reduced as any bats missed less likely to be disturbed as the building was remaining. *I therefore recommend that prior to determination updated dusk surveys are provided.*

Great Crested Newts

The previous application entered in to district licensing, which I accepted was reasonable given the close proximity to known breeding ponds and given the works were restricted to refurbishments. The risk level of an offence is now significantly higher given the site clearance proposed. The existing DLL is also technically not as far as I am aware valid for this application, given the development proposal is different and for a different application.

I therefore recommend that prior to determination, further information is provided on how great crested newts will be safeguarded on the site.

Nesting Birds

Trees and shrubs will be lost, potential bird nesting habitat. The buildings also appear to provide potential 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 building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Other Wildlife

It appears likely that some cutting back of scrub will be required in order to construct the MUGA as well as create the car park, potential habitat for species such as hedgehog and common toad both UK Biodiversity Species as well as other amphibians and small mammals. I therefore agree with the consultant that reasonable avoidance measures should occur during site clearance to avoid unnecessary suffering. I 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 such as hedgehog, amphibians and other wildlife covering both the site clearance and construction phases will be provided to and agreed in writing by the LPA

Himalayan Balsam and other invasive species

This invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was recorded on the site. There is a risk that seed or plant material could be translocated off-site and an offence committed. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise 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 remediation of part of the site, including removal of some of the trees and presumably loss of existing amenity grassland.

The applicant regards the development as exempt under the de minimis rule. I would regard this as unlikely, vegetated habitats will be lost and I would regard these losses as very unlikely to be below 25sqm. As previously demonstrated at Townside. remediation works need to take in to account all habitat removed and cannot rely on the future development to discharge the statutory general biodiversity gain condition.

I therefore recommend that prior to determination an updated biodiversity net gain assessment based on proposed remediation is provided to the LPA and if more than 25sqm of vegetation is lost (note for individual trees the habitat area is base on the RPA in the metric)

I am willing to leave wildlife enhancement measures for nesting birds, bat etc to any future planning application.

Ecologist

Planning and Transportation

Planning and Transportation

Place