

Summary

The development will directly impact part of the Cyrus Ainsworth & Parkers Lodges SBI our initial position is therefore to object. Other ecological issues include nesting birds and invasive species.

Cyrus Ainsworth's Nurseries and Parkers Lodges Site of Biological Importance

Whilst acknowledging the efforts to restrict negative impacts on the SBI, the development will still directly impact a small part of the SBI, with a lack of clarity on how the remainder of the SBI within the red edge will be managed and what the extent of the domestic curtilage would be. Is the potential for negative indirect effects. Our initial position is therefore to object as contrary to UDP policy EN6/2. We acknowledge however that the site is in poor condition owing to the extent of the invasive species on the site and that part of the red edge is not within the SBI, which could be utilised as garden and would be a better location from an ecological perspective for the proposed dwelling.

The ecological survey was also carried out at a sub-optimal time of year, particularly for a woodland SBI. *Given the sensitivity of the site, we would recommend prior to determination a review of the PEA and vegetation survey during the April – June period and in particular the footprint of the proposed for woodland indicator species.*

We would recommend that all SBI land outside the footprint of the dwelling was covenanted (or other legal agreement) to be retained as woodland (to prevent any future owners turning in to a garden) and brought in to good ecological condition should the LPA be minded to approve the application.

I welcome the proposal to improve public access around the site.

Bats

Three trees were identified as requiring further bat assessment owing to the risk of indirect effects from the proposed development. 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).

We therefore recommend further survey of these three trees prior to determination.

Other Protected Species

I agree with the consultant's assessments relating to other protected species and would note that the ponds within 250m have been surveyed in the past for gcn with none ever found. No further survey information is required.

Nesting Birds

Trees and shrubs will be lost, 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.

Mammals and Amphibians

Priority species such as common toad and hedgehog are likely to be present and as noted by the consultant, species such as badger whilst apparently absent could cross the construction site. I therefore agree with the consultant that reasonable avoidance measures are required. *Section 7.24 & 7.32 of the preliminary ecological appraisal should be conditioned as part of any permission.*

Invasive Species

Japanese knotweed, Himalayan balsam and rhododendron are present across the site. All are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. These species are also present beyond the site boundary and therefore total eradication is unlikely i.e. reinfestation is likely to occur particularly for Himalayan balsam. There will however be a high risk of tracking of Himalayan balsam and Japanese knotweed off-site. I therefore recommend if permission is granted a condition along the following lines.

Prior to any earthworks a method statement detailing control and biosecurity measures for Himalayan balsam, Japanese knotweed and rhododendron 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.

Proximity to Elton Brook

The construction part of the development is located well away from the Elton Brook. It is unclear however whether or not any surface water drainage from the site will be directed towards the Brook. I would therefore recommend that should surface water discharge to the brook be proposed (or septic tank) that adequate measures to ensure no increase in flow, increase in sediment and increase in pollutants occurs.

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).

Whilst the majority of the trees are retained, there will be loss of priority habitat woodland ground flora and potential indirect losses to the ground layer, dependent on how the remainder of the land in the developer's ownership is managed. Currently no detailed management proposals have been provided. Should the LPA be minded to approve the application, the woodland SBI outside of the footprint of the building should be put in to positive management and maintained in perpetuity via a legal agreement.

Wildlife issues are restricted to loss of bird nesting habitat and potential bat roosting features. Mitigation will be feasible through bird and bat box provision.

The development is exempt from biodiversity net gain under the self-build rule.