

## Ecology

### Summary

There do not appear to be any significant ecological issues associated with this development. There are minor amendments recommended for the BNG assessment and metric.

### Great Crested Newts (gcn)

There is a pond adjacent to the site and a number of other ponds within 250m, potential great crested newt habitat. The consultant has however assessed the risk of an offence as very unlikely, with the pond adjacent to the site containing carp. I would tend to agree, as all ponds have been surveyed historically, some more recently and no gcn found and whilst a small population has been recorded in the general locality, around 800m to the SE, recent survey have failed to find this population. I therefore agree that reasonable avoidance measures will suffice. I recommend a condition along the following lines is applied to any permission.

*The development shall be carried out in accordance with the reasonable avoidance measure contained in the Preliminary Ecological Appraisal, Pennine ecological August 2025, section 5.3.4 extended to include all amphibian and small mammal as already submitted with the planning application and agreed in principle with the LPA prior to determination.*

### Other Protected Species

No evidence of any other protected species was recorded though bats will likely forage over the site. I have no reason to doubt the findings of the report. No further information or specific measures are required.

### Nesting Birds

Scrub is present on the site, potential bird nesting habitat, whilst some will be retained and enhanced, some will be lost. 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 1<sup>st</sup> March and 31<sup>st</sup> 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

The scrub and tall ruderal vegetation will provide cover for small mammals and amphibians, such as common toad and hedgehog. I am satisfied however that the reasonable avoidance measure noted above are adequate to protect other wildlife. No further information or measures are required.

### Himalayan Balsam

This invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was recorded on the site. It is an offence to introduce or cause to grow wild any plant listed under this schedule. The developer is unlikely to be able to avoid this species, there will therefore be a risk of an offence if seed is transported off-site in spoil or on contract vehicles. I therefore recommend a condition along the following lines is applied to any permission.

*Prior to any earthworks a method statement detailing control 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 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 a reduction in the area of vegetated habitats through loss of tall herb, grassland and scrub. A significant area is however retained, with habitat enhancement and creation proposed. Wildlife issues appear restricted to loss of bird nesting opportunities.

10% BNG applies that indicates 10% net gain is achievable on-site. I would tend to agree as whilst I have some issues with the definition of some of the habitats in the on-site baseline and strategic significance, if changed, 10% is still achieved.

My issues include:

- Some habitats are defined as being of high significance and others as medium. In my opinion all baseline and post development habitats are of low significance. The site is well outside the boundaries of the Local Nature Recovery Network that has now been published;
- The tall forbs are on areas of previously disturbed ground and prior to that grassland. I accept that tall herb do not fall neatly in to biodiversity net gain, and can fall under the category given by the applicant, but also other neutral grassland and urban vacant and derelict land, depending on the origin of the tall herb. For this site I would regard urban derelict land or other neutral grassland as more applicable given this is natural succession on what was an area of farmland that was briefly disturbed in the early 2020's. I would however regard it as being in poor condition not moderate as not a typical example of its type.
- I would also not regard all the land assigned urban artificial unvegetated land as being the case, some is clearly vegetated beyond the threshold of what would move it in to either vacant and derelict land or short ephemeral.

However, as noted even taking all my opinions as correct, which as I have not visited the site is not necessarily the case, 10% is still achieved. Therefore, it would be reasonable to allow any changes to be provided as part of the discharge of the statutory biodiversity gain condition.

If permission is granted a 30 year habitat management and monitoring plan (HMMP) would be required as some of the habitat creation and enhancement proposals would be regarded as significant by Defra. As these amount to more than two units I would recommend this is controlled via a Section 106 as opposed to a standard condition, but this is ultimately for the LPA to decide.

To discharge the statutory condition, they will need to submit

- The biodiversity gain plan using the Defra template,
- The 30 year HMMP and

- The finalised version of the statutory metric ie with the amendments recommended above included (or not if a justifiable explanation is provided).

I recommend provision of bird and bat boxes as mitigation/enhancement for wildlife, in line with policies in the developing local plan. *The details can be provided via condition.*