

GMEU response

Summary

There are no significant ecological issues associated with this development. I recommend amendments however to the BNG metric and assessment.

Proximity to Hollins Vale LNR and SBI

Works adjacent to the LNR/SBI now appear to be largely complete, the amended proposal subject to this application located around 20m from the boundary, though only separated by a car park. Run-off during construction could therefore still occur during construction. I am however satisfied that the risks are now very low and can be dealt with through a general construction and environmental management plan along the lines of condition 8 of the original permission 68530 which was discharge as part of the previous permission.

Protected Species

It has previously been accepted prior to site clearance and commencement of development under the previous permission that the site was very low risk for all protected species that could theoretically be present in the locality. No further information or measures are required.

Nesting Birds

Whilst the majority of tree and shrub removal has already occurred under the previous approval, the updated ecological assessment identified a small area of ornamental shrubs as still present and in need of clearance, 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

The site has been cleared and partially developed under the previous permission. Whilst the previously applied condition 14, which was discharged, could be reapplied, I am satisfied that the site is now very low risk with the remaining area of development separated from the high value habitats associated with Hollins Vale by hostile habitat (car parks). I recommend therefore an informative along the following lines.

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.

Invasive Species

This issue was dealt with previously by condition 15 of 68530 for rhododendron, monbretia and Cotoneaster. At reserved matters only the Cotoneaster and Himalayan balsam were recorded. The updated assessment has only recorded the Cotoneaster. The previously supplied method statement for control of INNs has been provided. I am satisfied given no balsam was recorded and only a hedge of Cotoneaster still present that the INNS method statement can be conditioned as part of any permission.

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 site currently has only very low ecological value, which was the case at the original application stage, the only features of ecological value being the screen tree planting around the site. The trees that were proposed for removal have already gone under the previous approval. It was agreed previously that mitigation would be achieved on-site as a result of the proposed soft landscaping around the campus. Whilst biodiversity enhancement measures were previously accepted given the first phase has not been implemented in line with the approval, ie all car park not car park with building, I am assuming that revised biodiversity enhancement measure for wildlife will be required.

With regards biodiversity net gain, whilst the previous approved application was exempt the new application is not. 10% is however indicated as being easily achieved on the site. Whilst I accept that this will be the case, I disagree with the baseline assessment of the site. They have taken the site prior to implementation of the phase 1 approval, treating this as habitat degradation. The defra guidance on habitat degradation is however:

“Where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of application, the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value of the habitat on the date immediately before the carrying out of these degradation activities. The relevant date should therefore be set as a date immediately before these activities. Unauthorised degradation of onsite habitat is any degradation which is not in accordance with a previous planning permission.”

Whilst phase 1 was not implemented in line with the permission, the majority of it was and therefore would not be regarded as unauthorised and therefore the majority of the implemented phase 1 should now be the baseline. Whilst some areas are unauthorised and would technically be regarded as habitat degradation as far as I can tell, the unauthorised element result in no change in habitat value eg car park for building or are positive as more trees have retained. ie the unauthorised elements are net positive.

A second less important issue is based around the western boundary which as they correctly note is within the LNRS as an opportunity area. They should however record this in the baseline as low significance as it is only when habitat creation or enhancement is proposed in an opportunity area that you utilise the high significance category.

I therefore recommend the baseline is amended. It should however be noted that given 10% is already achieved, this is not going to change the overall acceptability of the development achieving 10% net gain on the site.

As the proposed habitat creation includes urban trees and other neutral grassland both habitats regarded as significant by defra a 30yr habitat management and monitoring plan will be required. As these result in the creation of more than one biodiversity unit, I recommend that this controlled via a legal agreement or at least a section 106 for monitoring fees by the LPA, with the HMMP covered by the legal agreement to or a standard condition.

With regards the statutory biodiversity gain condition they will need to provide:

- A biodiversity gain plan utilising the defra template,

- The final version of the HMMP, I would not regard the use of the defra template as necessary for this site given the relatively simple nature of the habitat creation proposals and
- The final version of the statutory metric in excel format, with the developer's parts of the start page completed.

With regards to wildlife, measures for bats and birds should be provided as for the previously approved application. This can be provided via condition.