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Summary

Potential ecological issues include nesting birds and biodiversity net gain.

Protected Species

Given the scale and nature of the proposal and lack of any evidence of protected species in the locality. No further information or measures are required.

Nesting Birds

It appears that some of the existing shrubs will be removed, 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

Given the scale and nature of the proposal, no further information or measures are required.

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 what appears to be already a semi-managed area of shrubs to garden. Some shrub removal appears to be proposed with new shrubs, trees and hedge proposed. Wildlife issues are restricted to minor loss of bird nesting opportunities.

No reference is made to biodiversity net gain as they have not utilised the full application form, just a lawful development certificate application. Unfortunately, I note however the application is regarded as full on the information provided. Therefore mandatory biodiversity net gain applies as the change of use is above the de minimis threshold of 25sqm (the change of use is approximately 190sqm). A metric and biodiversity net gain assessment are therefore required. A net loss is likely to occur given vegetated garden is a low value habitat in poor condition and the habitats lost at least the same. If classed as urban ornamental shrubs a shortfall of 0.01 units in achieving 10% net gain occurs. The purchase of off-site units would therefore be required.

I recommend that prior to determination a small (or full) site metric is provided along with a commitment to purchase any off-site units from a habitat bank.

I recommend provision of 1 bird box as mitigation for loss of any nesting habitat.

David Dutton

Ecologist

Planning and Transportation

Planning and Transportation

Place