

GMEU response

Summary

Potential ecological issues include bats, nesting birds and biodiversity net gain

Bats

There is a theoretical risk of bats being present in the building to be relocated and the building to have the addition of a clock tower. It is an offence under regulation 43 (1) of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to deliberately capture, kill or disturb a bat or destroy a breeding site or resting place of a bat. It is also an offence under schedule 5 & 6 of the Wildlife & Countryside Act (1981) (as amended).

The photographs of the stable to be moved however indicate a relatively small timber structure which is to be simply moved a short distance. I am satisfied that any risks can be dealt with through an informative. Similarly the photographs of the clock tower indicate a very minor disturbance during installation. Again an informative will suffice. I therefore recommend an informative along the following lines is applied to any permission.

Whilst the building works have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

Nesting Birds

The buildings provide potential nesting habitat for swallow and other species such as house sparrow. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I therefore recommend a condition along the following lines is applied to any permission.

No works to buildings shall occur between the 1st March and 31st August in any year unless a nesting bird survey method statement by a suitably experienced ecologist has been supplied to and 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 the loss of 30sqm of low ecological value grassland, just triggering the need for 10% biodiversity net gain. Three goat willow trees are proposed. I am satisfied that these will achieve significantly more than 10% biodiversity net gain. *Therefore whilst no metric has at this stage been provided. I am satisfied that all details can be submitted in order to discharge the statutory biodiversity condition. ie statutory metric, finalised HMMP and biodiversity gain plan.*

I would not regard the on-site measures as significant and therefore no legal agreement is in my opinion required to secure the on-site proposals for 30 years. Rural trees are however medium

distinctiveness habitat and therefore the LPA could require the survival of the trees for 30 years via a legal agreement.

Assuming the LPA agrees that a legal agreement is unreasonable for three trees, then a condition should be applied to ensure implementation and maintenance.

With regards wildlife, *I recommend provision of one bird box.*

Ecologist

Planning

Investment, Development and Housing

Place