

APPLICATION NO: 25/00650/OUT		OFFICER: Mrs Lucy White	
DATE REGISTERED: 30th May 2025		DATE OF EXPIRY: 29th August 2025/Agreed Extension of Time until 24 th November 2025	
WARD: Battledown		PARISH: Charlton Kings	
APPLICANT:	Waddeton Park Ltd.		
AGENT:	Mr Henry Clegg		
LOCATION:	Land On The South Side Of Glenfall Way Charlton Kings		
PROPOSAL:	Outline application for the erection of 4 no. self-/custom-build dwellings (Class C3). Access to be determined in detail. All other matters reserved.		

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Following the publication of the Officer Committee Report, the Council's Ecologist has provided updated comments on the Biodiversity Net Gain proposals and outstanding ecology matters, particularly the badger sett affected by the proposed development. These revised comments have been added to the Ecologist's previous consultee response and are highlighted below in bold text, for ease of reference.

- 1.2. In summary, the updated Biodiversity Metric has been updated in line with the Ecologist's recommendations. The proposals now include the enhancement of other neutral grassland from 'moderate' to 'good condition' and the enhancement of other woodland from 'poor' to 'moderate condition'. These changes result in a -9.12% net loss in habit but a 16.6% net gain in hedgerow units. The applicant has been asked to confirm that the additional habitat units required to achieve the mandatory 10% biodiversity net gain would be sourced from an offsite, offsetting provider (GNCF), as previously agreed.

- 1.3. An updated Habitat Condition Assessment was submitted by the applicant on 17th November. This information is currently under review by the Council's Ecologist, and a further update will be issued.

- 1.4. The Council's Ecologist has also reviewed the updated badger survey carried out in May 2025, which shows a change and reduction in badger activity on the site compared to the 2024 surveys. This change is expected to remove the need for a full temporary closure of the sett during construction works, which would otherwise require cooperation from the adjoining land owners. If the adjoining land owners do not agree to the closure of the sett, the applicant's ecologist recommends a temporary or permanent partial exclusion of the

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sett, under the supervision of a qualified ecologist. The Council's Ecologist considers this proposed badger mitigation strategy acceptable.

1.5. Notwithstanding the above, updated ecological/badger surveys must accompany the first reserved matters application alongside information regarding licence applications.

1.6. The schedule of suggested conditions set out within the Committee report will be amended to reflect the Council Ecologist's recommendations, and will follow in a further update.

1.7. Council Ecologist Revised Comments

Further to previous comments from the ecology consultee dated 11th June 2025, we have now reviewed the Preliminary Ecological Appraisal and Ecological Impact Assessment (Collins Environmental Consultancy Ltd, Nov 2024), Confidential Appendix IV (Collins Environmental Consultancy Ltd), Biodiversity Metric (David Wells, June 2025) and a letter from GNCF dated 24th June 2025, and our response with regards to ecology is provided below.

The site was initially surveyed in April and May 2024, with an update visit in November 2024.

The site comprises other neutral grassland with an area of mixed plantation woodland. Native hedgerows, fences and non-native hedgerows are present around the boundaries.

Offsite priority habitat deciduous woodland is adjacent to the south-eastern boundary of the site.

None of the trees on-site were found to have potential bat roosting features. Bat activity surveys have previously been carried out on the site, and lesser horseshoe and a Myotis species were recorded on-site. A sensitive lighting scheme has been recommended.

The hedgerows have some suitability for hazel dormouse, but they are considered likely absent due to the distance of the site from the nearest woodland and the lack of nearby records.

The habitats on-site are considered suitable for nesting and foraging birds.

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The site lies within an amber/ green risk zone for great crested newts. There are no ponds within 250m and the closest pond is 315m to the north east in a garden. Great crested newts are considered likely absent.

The habitats on-site are considered suitable for reptiles, particularly the tussocky grassland sward. A phased approach to habitat clearance has been recommended, along with timing restrictions for the works on-site.

An active main badger sett with three well-used, two partially-used and three disused entrances is present midway along the south-western site boundary. The sett is partially within the adjacent property, beneath an outbuilding. Several badger pathways and latrines were recorded on and offsite.

The sett will be impacted by the proposed development, and it is proposed that the sett is either temporarily or permanently closed under licence and an artificial sett created in the south east of the site. Exclusion of badgers from the sett will require the cooperation of the adjoining landowner, and confirmation is required that this will be forthcoming should planning permission be granted. Update monitoring surveys of the badger sett would be required to inform a reserved matters application and licence application.

Recommended ecological enhancements include integrated sparrow terraces and bat boxes.

The Biodiversity Metric (Version 2 dated 18th June 2025) has been updated. Proposed habitats include developed land, vegetated garden, SUDS (moderate condition) and mixed scrub. It is proposed that 1.17ha of other neutral grassland (moderate condition) will be enhanced to lowland meadow (moderate condition), and the existing woodland will be enhanced from poor to moderate condition. As stated previously, it is not considered realistic to target lowland meadow habitat in areas that will be accessible to the public, such as this. The success of the habitat creation would depend greatly on the soil conditions, proposed method of establishment and long-term management. It is recommended that the proposed lowland meadow is amended to other neutral grassland. Otherwise, the results of soil testing and a draft Habitat Management and Monitoring Plan will be required prior to determination, to ensure the proposals are achievable.

A section of non-native hedgerow would be removed. Retained hedgerows would be enhanced to increase their species diversity, and a new species-rich hedgerow would be planted.

Overall, the proposals are delivering a -2.53% net loss in habitat units and a 16.15% net gain in hedgerow units. Offsite offsetting is proposed to deliver a 10% net gain in habitat units, and the letter from GNCF states that 1.29 units of other neutral grassland would be required, which can be provided by GNCF.

If planning permission is granted, the general Biodiversity Net Gain condition will be applied under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. This will be listed separately on the decision notice. The proposed on-site habitats are considered to be significant enhancements and a S106 will be required to secure monitoring by the LPA.

The applicant will be required to purchase offsite habitat units from an offsite provider. This will be detailed within the Biodiversity Gain Plan and will form part of the pre-commencement condition

Requirements prior to determination:

- The Biodiversity Net Gain Design Stage Report should be updated to be consistent with the updated Biodiversity Metric, and completed Habitat Condition Assessment Sheets are required.*

An updated Biodiversity Net Gain Design Stage Report (Nov 2025) and Biodiversity Metric (Nov 2025) have been submitted. Habitat Condition Assessment Sheets remain outstanding.

- The site is within the Zone of Influence of the Cotswold Beechwoods SAC and as the proposals will lead to a net increase in residential units, a financial contribution will be required in accordance with the Cotswold Beechwoods Recreation Mitigation Strategy. This will need to be secured through a suitable legal agreement.*
- It is still not considered appropriate to target the creation of lowland meadow within this site. Either the Biodiversity Metric should be amended accordingly, or the results of soil testing and a draft Habitat Management and Monitoring Plan is required prior to determination.*

The Biodiversity Metric has been amended and now includes the enhancement of other neutral grassland from 'moderate' to 'good' condition

and the enhancement of other woodland; mixed from 'poor' to 'moderate' condition. Lowland meadow habitat is no longer being targeted. This change is considered to be more achievable within this context. The updated Biodiversity Metric shows that the proposals would deliver a -9.12% net loss in habitat units and a 16.15% net gain in hedgerow units. The habitat units required to deliver a 10% net gain will need to be sourced from an offsite offsetting provided.

The on-site habitat creation and enhancement measures are considered to be 'significant' and will need to be secured through an HMMP and a S106 will be required to secure monitoring by the LPA.

- *Confirmation is needed that the adjacent property owners have agreed with the proposed closure of the badger sett.*

An updated Confidential Appendix IV (Collins Environmental Consultancy Ltd, May 2025) has been submitted, which outlines the current situation regarding badgers. This update provides the results of a badger survey carried out in May 2025. It appears as though measures have been taken to exclude badgers from beneath the neighbouring garage. Five well-used, two partially-used and two disused entrances were recorded on site, with one well-used entrance on the boundary fenceline. Activity at the sett seems to have moved further to the south east.

Various mitigation options are presented, which include the partial or full closure of the sett, either temporarily or permanently. If the adjoining property owners do not wish to cooperate with the closure of the sett, a temporary or permanent partial exclusion of the sett has been suggested, which will involve one-way gates on the sett entrances on-site, and under the close supervision of an ecologist, the part of the sett that is on-site would be excavated, and a chain-link fence buried close to the site boundary so that badgers could not re-excavate from the adjacent land.

Avoiding impacts on the sett altogether by amending the site layout are not considered feasible due to landscape impacts.

The proposed badger mitigation strategy is considered to be suitable. Update monitoring surveys will be required to inform a reserved matters application and licence application.

Requirements prior to commencement/conditions to be attached to planning consent:

1. *All works shall be carried out in full accordance with the recommendations contained in the Preliminary Ecological Appraisal and Ecological Impact Assessment (Collins Environmental Consultancy Ltd, Nov 2024) and Confidential Appendix IV (Collins Environmental Consultancy Ltd, May 2025).*

2. *No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP should be kept in the site office for reference for site workers. The CEMP-B shall include, but not necessarily be limited to, the following:*
 - i. *Risk assessment of potentially damaging construction activities;*
 - ii. *Identification of 'biodiversity protection zones';*
 - iii. *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);*
 - iv. *A precautionary working method statement for the following species: bats, amphibians, reptiles, nesting birds, and hedgehog;*
 - v. *A detailed mitigation strategy for badgers, informed by up-to-date monitoring surveys of the sett;*
 - vi. *The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);*
 - vii. *Details of any external lighting required during construction phase;*
 - viii. *The times during construction when specialists ecologists need to be present on site to oversee works;*
 - ix. *Responsible persons and lines of communication;*
 - x. *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);*
 - xi. *Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and*
 - xii. *Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 3 Prior to the commencement of works, a copy of the Natural England Badger Licence is to be submitted to the local authority.*
- 4 Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented prior to the occupation of any of the dwelling houses hereby permitted, and thereafter retained and maintained for the lifetime of the development;*

The scheme shall include, but not be limited to, the following details:-

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;*
 - ii. Materials and construction to ensure long lifespan of the feature/measure;*
 - iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and*
 - iv. When the features or measures will be installed within the construction, occupation, or phase of the development.*
- 5 Prior to the installation of external lighting for the development hereby approved, a lighting design strategy shall be submitted to and approved by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The strategy will:*
 - a. Identify the areas/features on site that are particularly sensitive for nocturnal species;*
 - b. Show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their habitats or wildlife corridors.*
 - c. show the position and luminance levels of proposed external lighting and how this responds to the landscape setting of the area.*

- d. *Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).*

The scheme should be implemented and maintained in accordance with the approved details for the lifetime of the development.

- 6 A 30-year *Habitat Management and Monitoring Plan (HMMP)* shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the *Biodiversity Gain Plan* and must include, but not necessarily be limited to, the following information:

- I. Description and evaluation of features to be managed, including locations shown on a site map;*
- II. Establishment details, including preparation of the land;*
- III. Landscape and ecological trends and constraints on site that might influence management; Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat, hedgerow and watercourse (if applicable) units;*
- IV. Appropriate management options for achieving the aims and objectives*
- V. Prescriptions for all management actions;*
- VI. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5- or 10-year periods;*
- VII. Details of the body or organisation responsible for the implementation of the plan;*
- VIII. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures and adaptive measures might need to be put in place; and*
- IX. Timeframe for reviewing and reporting on the plan. Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.*

The HMMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The HMMP shall be implemented in accordance with the approved details and all

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habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

National Planning Policy Framework (NPPF) and Local Plan Policy (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031) (adopted December 2017)) Context:

- *NPPF Para 180 - 194 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework*
- *SD9 Biodiversity and Geobiodiversity*
- *INF3 Green Infrastructure*

In England, biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. For significant on-site gains, and all off-site gains, the BNG must be maintained for at least 30 years. Responsibilities should be set out in a legal agreement. Further guidance can be found at <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

Cheltenham Plan, Adopted 2020.

- *Policy BG1: Cotswold Beechwoods Special Area of Conservation Recreation Pressure*
- *Policy BG2: Cotswold Beechwoods Special Area of Conservation Air Quality*

Wildlife legislation context:

- *Wildlife and Countryside Act 1981 (as amended)*
- *Conservation of Habitats and Species Regulations 2017*
- *Natural Environment and Rural Communities (NERC) Act 2006*
- *Protection of Badgers Act 1992*
 - a. *Impact on neighbouring property*
 - b. *Access and highway issues*
 - c. *Sustainability*
 - d. *Other considerations*

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