

23rd February 2022

Application Number: 21_02755_FUL

Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements, access, parking and garaging on land adjacent to Brecon House

Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE

Dear Michelle,

We have reviewed the Ecological Assessment and our response with regards to Ecology is provided below. The reports we reviewed were prepared by All Ecology and were as follows: Ecological Appraisal (July 2019); Biodiversity Impact Assessment (July 2021); and Bat Activity Survey (November 2021). We also reviewed the illustrative masterplan (1st December 2021) and the Landscape and Ecology Management Plan (LEMP) Strategy (December 2021) prepared by Davies Landscape Architects.

Baseline information and assessment

There is one statutory and 10 non-statutory designated sites within 1km.

The habitats on site are two species-poor semi-improved grassland fields separated by a line of trees, with small areas of scattered scrub, tall ruderals and scattered trees. There are species-poor hedgerows along the boundaries, apart from the western edge which is woodland with a stream.

There were at least five trees with features potentially suitable for roosting bats. The bat activity surveys recorded at least nine bat species foraging or commuting across the site. The hedgerows, trees and in particular the woodland edge are the most important habitats for foraging bats. No important commuting routes were identified.

No evidence of badgers was identified, but they are likely to forage on site. The woodland and hedgerows provide suitable habitat for dormice. The grassland may support brown hares.

Birds are likely to nest in the hedgerows, trees and woodland. These habitats provide foraging opportunities, and the grassland is also likely to provide small mammal prey for birds of prey, such as barn owls.

The hedgerows, woodland, tall ruderal and scrub provide suitable foraging habitat and places of shelter/hibernation for amphibians and reptiles. The grassland is sub-optimal for reptiles due to its history of management but it may provide some foraging opportunities for both reptiles and amphibians, including potentially great crested newt (GCN) (the desk study identified a GCN record).

There are five ponds within 500m of the site. Since there is potential for GCN to be present in terrestrial habitat on site, we would expect further assessment of nearby ponds in case any are breeding sites. Due to the small scale of the proposed development and the fact that the habitat in the footprint of the development is not particularly favourable, we consider that a search area of 250m from the site is sufficient. Habitat Suitability Index (HSI) assessments and further surveys of these ponds should be undertaken as necessary.

The site will support an assemblage of common invertebrates.

Impacts, mitigation and enhancements

We agree that there would be no impacts on any designated sites. In their response of 1st February 2022, Natural England state that impacts on Cotswold Beechwoods Special Area of Conservation (SAC) (located approximately 6km away) may need to be checked via a Habitats Regulations Assessment (HRA) Appropriate Assessment. We consider this to be unnecessary since the development is of a single dwelling so additional recreational disturbance on the SAC would be negligible.

A small area of the species-poor grassland would be lost to the new dwelling. All other habitats would be retained. It is important that pollution control measures and drainage systems are put in place to ensure no pollution or alterations to the hydrology of the stream both during construction and operation.

A suite of habitat creation and enhancement measures are proposed in the All Ecology reports and shown in the illustrative masterplan (Davies Landscape Architects). These include new woodland, hedgerow, shrub and tree planting, new ponds and swales, management to enhance retained habitats in particular the grassland and woodland, and enhancement works on the stream and streamside habitats. These measures would not only compensate the habitat losses but would significantly improve the site for ecology. This is demonstrated in the All Ecology Biodiversity Impact Assessment, which indicates Biodiversity Net Gain (BNG) of 70% for habitats, 79% for hedgerows and 29% for the stream.

We welcome the proposals for ecological enhancement of the site but would ask that the applicant and their ecologists consider less woodland planting in favour of more grassland. The site has considerable potential for species-rich calcareous grassland if managed correctly over the long term. Instead of the proposed surrounding woodland planting, these areas could be left as unmanaged, tussocky grassland with scattered tall ruderal and scrub, to provide habitat for amphibians and reptiles, and also small mammals, thus providing good foraging for barn owls and other birds of prey. The combination of species-rich calcareous grassland surrounded by rough tussocky grassland would be of considerable benefit.

In terms of protected/notable species, all of the trees with potential for roosting bats would be retained. We welcome the proposals for bat boxes on the buildings and trees. It is unclear whether the All Ecology recommendation for integral bat roosting spaces have been included in the building designs, but these would also be of value.

There is potential to impact on foraging/commuting bats due to the construction and operational phase lighting schemes. The proposals for lighting that minimises light spill are important and should be implemented.

The loss of grassland may affect reptiles and amphibians if present (including potentially GCN). Precautionary mitigation measures and specific enhancement measures for reptiles and amphibians are required. These may need to be adapted depending on the results of further assessment of GCN.

There would be minimal to no impacts on any other species. The precautionary mitigation given for badgers and other species during construction is appropriate. We welcome the proposals for bird boxes, including owl boxes, and other wildlife features.

Requirements prior to determination:

1. Due to the nearby GCN record and the number of ponds in close proximity to the proposed development site, assessment is required to provide further information as to the likelihood of GCN being present on site and subsequent mitigation. Therefore, HSI assessments of ponds within 250m of the site that are not beyond major dispersal barriers should be undertaken. Should the HSI assessment find any of the ponds within 250m of the site to be suitable for GCN, it will be necessary for the applicant's ecologist to undertake presence/absence surveys for GCN. If GCN are subsequently detected, a GCN Mitigation Method Statement would need to be prepared as part of a Natural England European Protected Species (EPS) Mitigation Licence application. This Method Statement should be submitted to the Local Planning Authority (LPA) for review prior to determination.
2. An alternative to the above is for the applicant to apply to NatureSpace for a District GCN Licence. The LPA would require receipt of the District Licence certificate from NatureSpace prior to determination.

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

1. The mitigation measures that apply to the site clearance and construction phase of the development should be included in a Construction Environmental Management Plan (CEMP), with detailed Method Statements. This should include precautionary mitigation measures for amphibians and reptiles, in the form of Reasonable Avoidance Measures (RAMs). It should also include the measures detailed in the GCN Mitigation Method Statement, if this is required. The CEMP should be submitted and approved by the LPA.
2. All other mitigation and enhancement measures should be expanded on in a finalised version of the LEMP, including long-term management and monitoring activities (covering a period of 30 years, as proposed). This should include plans showing locations and extent of all habitats and wildlife features, and a timetable of activities. A Responsible Person / organisation needs to be stated and the method by which the protection of retained, enhanced and created habitats will be secured. The extent and

location of removed, retained and newly created habitats presented in the LEMP should match that set out in the BNG assessment. The LEMP should demonstrate that the BNG proposed in the BNG assessment has been achieved. It should be submitted to the LPA for review.

3. A lighting strategy scheme covering both construction and operational phases should be submitted to the local authority detailing location and specification of the lighting supported by contouring plans demonstrating any light spill into adjacent habitats. This plan should be completed in conjunction with advice from the project ecologist.
4. If a EPS Mitigation Licence for GCN is required, then a copy of this licence should be submitted to the LPA prior to commencement.

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

- *NPPF Para 170 – 182 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework:*
- *SD9 Biodiversity and Geobiodiversity*
- *INF3 Green Infrastructure*

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*

We trust this information is helpful.

Kind regards

Benjamin Goodger

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Planning Ecological Adviser