

# MEMORANDUM

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| <b>From:</b>                | Duncan Fisher<br>Ecology Officer                                                                                                                                                                                                 | <b>To (Case Officer):</b> | Adriana González |
| <b>Service</b>              | WBC Ecology                                                                                                                                                                                                                      | <b>App No:</b>            | 241567           |
| <b>Address:</b>             | Land East of Longwater Road, Longwater Road, Finchampstead, Wokingham, RG40 3TS.                                                                                                                                                 |                           |                  |
| <b>Type of Development:</b> | Major Dwellings (10+)                                                                                                                                                                                                            |                           |                  |
| <b>Proposal:</b>            | Full application for the proposed erection of 40no. dwellings (Use Class C3), together with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access, and associated works. |                           |                  |
| <b>Site Visit Made:</b>     | Yes/No                                                                                                                                                                                                                           |                           |                  |

## Summary Of Recommendations

- ☒ Recommend approval but with condition(s) & reason(s) **stated below**;
- ☐ Recommend approval with no conditions
- ☐ Recommend refusal for the reason(s) **stated below**;
- ☐ Negotiate the amendments **stated below**; or
- ☐ Request further information before determination as **stated below**.

## Comments On Proposal

The applicant has submitted a Ecological Appraisal (The Environment Dimension Partnership, ref: edp4070\_r009b version 009b, July 2024) in support of this application. I am of the view that sufficient information has been submitted to be able to consider the impact of the proposed development on protected species and habitats and species of principal importance.

### Bats

The Ecological Appraisal has identified tree T23 as having a potential roost feature. This tree is proposed to be removed to facilitate access. Mitigation and feature compensation proposals are outlined in the appraisal. I agree that this is a proportionate approach for the feature suitability assessment. The appraisal proposes to secure the detail and implementation of this mitigation through a Construction Environmental Management Plan (CEMP) condition. I agree that this is an appropriate course of action and therefore recommend a CEMP condition (below).

The Ecological Appraisal includes an assessment of bat activity on the site (and adjacent field to the East). The assemblage of bats species recorded on site is likely to be an underestimate because the sound analysis has aggregated the *Myotis*

species (of which, six species have been recorded within or right on the border of Berkshire). From species numbers alone, the site could be assessed as of county importance. However, I am of the view that this would be a naïve approach as it does not look at the size of the proposal and the activity levels of the rarer species.

I note that the assemblage includes the Annex II species, Barbastelle, and the IUCN (England) Vulnerable species, Serotine. I agree that the activity levels are indicative of occasional foraging through a site on the periphery of a wider valley of good habitat. The quantum of grassland habitat area loss is unlikely to be significant in proportion to the core sustenance zone requirement for these species and will be somewhat mitigated on a landscape scale through biodiversity net gain.

I also note that Nathusius's Pipistrelle has been recorded on site. Whilst I agree that the main foraging location for this species tends to be lakes and wetlands, the activity levels could be interpreted as being consistent with some use of over-mature trees locally for 'lekking' behaviour, which is known to occur more distant from waterbodies.

The use of the site for commuting, some foraging, and potentially mating behaviour could be retained through the application of lighting mitigation and securing positive management for biodiversity of the created ancillary public open space. I therefore recommend a lighting for light sensitive species condition and a habitat management and monitoring plan (HMMP) condition to relate to the non-private garden open space. On the basis that these conditions are applied, I am of the view that the local favourable conservation status of bats can be maintained.

### **Badger**

A Badger sett has been identified as present on the border of the site. It is not clear from the Ecological Assessment what type of sett this is. It is therefore appropriate to take a precautionary approach and consider it is a main sett at this stage.

The proposed layout will provide an adequate buffer between the sett and the development footprint. The Ecological Assessment recommends further mitigation measures to be applied during construction. I recommend that the detail and implementation of construction mitigation is secured through a CEMP condition.

Long-term retention of the Badger sett, once the new residential is occupied, will rely on mitigating the risk of significant disturbance. On this basis I do recommend some minor tweaks to the soft landscaping to thicken the vegetative barrier with more shrubs in proximity to the sett. I accept that this change could be picked up within a soft-landscaping condition and so it is not crucial to resolve prior to determination.

### **Breeding Birds**

The breeding bird survey picked up that the schedule 1 species, Barn Owl, is roosting locally and foraging over the site. Within the wider landscape there are several Barn Owl nest boxes that are monitored. These nest boxes regularly have successful breeding. The roosting observation is entirely consistent with this. I agree that the site itself is unlikely to be providing a nesting location for this species

and the disturbance risk need not be considered further. The value of the site for this species is primarily for its foraging.

Considering the size of the site and the typical foraging territory/range of the species, I am of the view that the development proposal is unlikely to result in significant loss of foraging habitat to the point where it negatively impacts the local conservation status of this species.

### **Reptiles**

The Ecological Assessment included a reptile survey which identified at least three species of widespread reptile as using the site – with all species being recorded in numbers that indicate a low population level. The survey transects do indicate that these species are occupying the marginal/transition vegetation that is around the perimeter of the site.

I agree that it is likely that the risk of killing or injuring reptiles during construction could be adequately mitigated using a carefully planned method statement. The Ecological Assessment provides an outline mitigation strategy. I am a bit concerned that there probably needs to be a bit more thought as to marginal habitat along the northern boundary, where all three species were recorded, as this is close to the proposed access road. However, I accept that this could be resolved via a CEMP condition.

The long-term local conservation status of these reptile species of principal importance will only be maintained through targeted species specific measures to enhance the retained and created open space habitat. The local planning authority should seek inclusion of:

- Reptile hibernacula,
- Grass Snake egg-laying piles, and
- Over-digging of the surface water attenuation basin to provide more permanent pond habitat.

Within sensitively managed open space habitats. I recommend that these are secured through a combination of a species specific biodiversity enhancement condition to secure the detail of what will be constructed and a habitat management and monitoring plan condition to secure the ongoing management of those features within the open space.

### **Species Specific Biodiversity Enhancements and Ecological Permeability**

The Ecological Assessment makes recommendations for bird and bat boxes to be provided within the development and proposes that they are secured within a Landscape Environmental Management Plan (LEMP) condition. I agree that it is appropriate for the local planning authority to seek inclusion of targeted species enhancements within the development but recommend that the detail of what is to be implemented is secured in a separate condition. Some elements, such as integrated bat and bird boxes, will ideally be delivered in locations that will be privately owned and fall outside of the remit of a LEMP/HMMP. It is therefore appropriate to resolve the detail of what is to go where via a separate pre-commencement condition so the HMMP condition can concentrate on maintenance of those features approved to be within the open space. I also recommend that the local planning authority seek detail in the same condition of the ecological

permeability measures (particularly in relation to Hedgehog access to garden spaces) to be provided on-site, in order to satisfy local plan policy TB23.

Indicative figures have not been given for the number of bat and bird boxes for the development. I recommend that the local planning authority seek at least:

- 1x bat and 1x bird box per dwelling – although these may not be evenly distributed if there is a valid ecological reason for grouping boxes or targeting particular parts of the site.
- 1x reptile hibernacula
- 1x Grass Snake egg-laying pile
- 1x log pile / stag beetle pyramid
- 1x bee bank
- 1x Hedgehog highway hole for each line of fence/wall between two different gardens or a garden and public open space.

### **Biodiversity Net Gain**

The Ecological Appraisal includes technical information to support a baseline assessment of habitat biodiversity and a corresponding statutory metric (Iteration: v3, Completed 28 November 2024). I can recommend that the local planning authority can accept the survey conducted as part of the Ecological Appraisal as providing a fair and accurate baseline assessment of the site.

At the point of determination the local planning authority is not expected to approve the full detail of the habitat biodiversity post-development scenario – this being a matter to consider via discharge of the mandatory condition. It is, however, relevant to consider the broad strategy proposed by the applicant to achieve the mandatory biodiversity net gain target.

I am in agreement that the proposal is following the biodiversity net gain mitigation hierarchy and has avoided as much as possible the loss of important habitats on-site. The development will result in the creation and enhancement of medium distinctiveness habitats on-site that will contribute to delivery of the biodiversity net gain target. I recommend that the local planning authority needs to secure delivery of these on-site significant measures through a mix of conditions and a planning obligation. A soft landscaping detail condition and separate HMMP condition will secure the detail of the final landscaping and plan for ongoing management. A planning obligation will need to be applied to secure monitoring of the management of these habitats and ensure that they are being provided for the full thirty year period.

### **Conditions & Reasons (if required)**

#### **Construction Environmental Management Plan (CEMP)**

British Standard 42020:2013 provides a standard condition wording (D.4.1):

*“No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*

*a) Risk assessment of potentially damaging construction activities.*

*b) Identification of “biodiversity protection zones”.*

c) *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).*

d) *The location and timing of sensitive works to avoid harm to biodiversity features.*

e) *The times during construction when specialist ecologists need to be present on site to oversee works.*

f) *Responsible persons and lines of communication.*

g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*

h) *Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.”*

However, if a CEMP condition is already requested in relation to other aspects, it would be more appropriate to synthesise the wording so there remains a single CEMP condition that expects all aspects to be covered and shows how the measures can work together. In that respect, I recommend the following bullet point:

- *Measures, timing, and roles and responsibilities for mitigating harm to protected species and species of principal importance.*

With policies CP7 and TB23 also referenced in the reason for the condition.

### **Habitat Management and Monitoring Plan (HMMP)**

British Standard 42020:2013 standard condition wording D.4.5 can be adapted:

**Condition:** *A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. The content of the HMMP shall include the following:*

a) *Description and evaluation of features to be managed.*

b) *Ecological trends and constraints on site that might influence management.*

c) *Aims and objectives of management.*

d) *Appropriate management options for achieving aims and objectives.*

e) *Prescriptions for management actions.*

f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*

g) *Details of the body or organization responsible for implementation of the plan.*

h) *Ongoing monitoring and reporting.*

*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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning*

*biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.*

**Reason:** *To secure significant on-site biodiversity net gain as per regulations and integrate with measures to protect and enhance relevant habitats and species as appropriate under policies CP7 and TB23.*

### **Biodiversity Enhancement and Permeability**

**Condition:** *Prior to commencement a strategy for ecological permeability and species specific biodiversity enhancements to the site shall be provided to the local authority for its approval. This strategy shall be prepared by a suitably qualified ecologist and appropriate to the local ecological context. Once approved the strategy shall be implemented in full unless otherwise agreed by the local authority in writing.*

**Reason:** *to ensure that the proposal is in accordance with Section 41 NERC Act re. UK Biodiversity Action Plan Priority Species (Species of Principal Importance), and complies with Planning Policies for wildlife including CP7 and TB23, and the National Planning Policy Framework which requires consideration of the potential biodiversity gains that can be secured within developments.*

### **Lighting for Light Sensitive Species**

British Standard 42020:2013 standard condition wording D.3.5 wording can be adapted:

**Condition:** *Prior to commencement a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*

**Reason:** *To secure mitigation for protected species as appropriate under ODPM Circular 2006/05 and local plan policies CP7 and TB23.*

**Date:**

20  
February  
2025

**Signed:**

D. Fisher