

MEMORANDUM

From:	Tina Cuss Ecology Officer		
Service	WBC Ecology	App No:	241900
Address:	Land South of Old Bath Road Sonning, RG4 6GQ.		
Proposal:	Application to vary condition 2 of planning consent 220663 for the proposed erection of 57 dwellings suitable for older persons accommodation following demolition of the existing dwellings (Access, Layout, Scale and appearance to be considered). Condition 2 refers to approved plans and details and the variation is to change the site layout and associated details.		
Type of Development:	Major Dwellings (10+)		
Site Visit Made:	No		

Summary Of Recommendations

- ☐ No comment
- ☐ No objection
- ☐ No objection subject to conditions (and reasons) **stated below**
- ☒ Request further information before determination as **stated below**
- ☐ Objection due to the reason(s) **stated below**

Comments On Proposal

I have read the Addendum to Bat Activity Surveys: The Range, Red Lodge and The Lawns, Sonning (Crossman Associates, Ref A1144.001, 24 August 2020) and BS5837:2012 Arboricultural Method Statement submitted on 23 July 2024, and I have also reviewed the covering letter and submitted plans.

The Addendum to Bat Activity Surveys contains date errors and refers to works “*During the **2022** bat activity season*”. Permission 220663 was not approved until 12 May 2023, and according to the previous bat reports, no works could therefore have occurred before 2023. The version of the Addendum to Bat Activity Surveys (Crossman Associates, Ref A1144.001, 24 August 2020) submitted on 7 November 2022 to support 220663 states “*During the **2023** bat activity season here will be a requirement from Natural England for each of the dwellings to be subject to 1 number activity survey, this work will also include an additional internal check of the roof void prior to the commencement of the activity surveys. The subsequent survey results will provide up to date data which will along with the earlier survey data will inform the Natural England Low Impact Licence*”. In the absence of the results of the 2023 or 2024 bat surveys, and updated assessed following the latest best practice guidance, including CIEEM UK Bat Mitigation Guidelines the LPA is not able to fully consider all the impacts of the development on protected species.

The 2023 UK Bat Mitigation Guidelines state *“For all types of building roost (whether retained, modified or newly created), the physical characteristics of the final roost, the arrangement and number of entrances, and the flight-paths leading to those entrances (including the location of any exterior lighting or vegetation) all need to be considered. A perfectly designed roost in a poor location is unlikely to be successful... Additional criteria are provided for new constructions, where the risks of non-adoption by bats can be reduced through careful site selection and orientation”*. The details current proposals should be considered taking into consideration up-to-date mitigation guidelines which are used by Natural England to determine whether a site can be registered for a Bat Class Mitigation Licence.

According to CP3 for proposals have to (d) maintain or enhance the ability of the site to support fauna and flora including protected species. Development proposals will be required to demonstrate how they have responded to the above criteria through the submission of Design and Access Statements, clear and informative plans, elevation and streetscenes. CP7 states that development which may harm habitats or, species of principle importance veteran trees or features of the landscape that are of major importance for wild flora and fauna whether directly or indirectly, will be only permitted if mitigation measures can be put in place to prevent damaging impacts. Resubmission of outdate the outdated bat survey addendum which also does not consider direct and indirect impacts on foraging and commuting, impacts on birds, invertebrates or amphibians or loss of biodiversity is therefore not appropriate.

Based only on the currently submitted version of the Addendum to Bat Activity Surveys and lack of up-to-date activity survey it is not possible to determine if Natural England would grant Bat Class Mitigation Licence or full European Protected Species Licence. Neither the 2022 Bat Activity Surveys report or the Addendum Reports made an assessment or fully considered the roost characterisation surveys and mitigation strategies for the adjacent development and potential cumulative impacts on Brown long-eared bats and other species which may use the 3 dwellings as occasional day roosts. I suggest all available monitoring of the local populations as well plans for replacement roosts features, landscaping and mitigation and ehancement measures are considered in the updated assessment which must be informed by any 2023 and 2024 activity surveys and monitoring which have been undertaken. The enhancements for bats that are secured in any variation must be equivalent or provide more benefit to bats that the obligations in 220663 condition 27. Subject of provision of missing 2023 or further 2024 roost characterisation sruevy, I request condition 27 is retained or paragraph numbers updated where necessary.

I am not satisfied that the proposed changes to increase and amendment to the layout of car parking, and increase in recreation pressure and use of retained biodiversity habitats as open space or garden including exercising of pets and increase in lighting and vehicle use after dusk will not result in negative impacts to wildlife including bats and birds. The layout changes will result in further habitat clearance without replacement in the north of the site close to Old Bath Road. The ecological assessments have not been updated to consider the impact of tree and shrub removal along Old Bath Road on foraging and commuting bats, other protected and notable species and the loss net loss of biodiversity. Alternatives

including alternative layouts which would avoid reduce and mitigate the increase in car parking and resultant loss of trees and scrub have not been considered or justified in the submissions. The applicant has not demonstrated that lack of age restriction will not increase use of retained and compensation habitat for recreation and increase pet ownership and predation, as well as light pollution.

Summary

I recommend that the changes to the car parking, and the loss of trees, hedgerow and shrubs are revised to avoid and reduce the impacts to biodiversity habitats and to wildlife and ensure maintenance and enhancement for species of principle importance.

I would be happy to provide updated comments when the up-to-date surveys and Method Statements/mitigation strategies, and the revisions to car park and proposals for retention and protection of trees and dark corridor for bats and wildlife have been resubmitted.

Conditions & Reasons (if required)

Subject to the detail of the assessment and proposals in an updated Bat Survey and protected species mitigation strategies, Proposed Site Plan and Arboricultural Impact Assessment, I suggest following conditions should be updated:

Protected Species

No works affecting the bat roosts, nor any roof stripping nor demolition works shall commence until a licence and subsequent variation of that licence for development works affecting bats has been obtained from the Natural England and a copy (or an email from Natural England that the site has been registered under the Bat Mitigation Class Licence) including the detailed mitigation and special conditions annex has been submitted to the local planning authority. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details.

Reason: To ensure that bats, a material consideration, are not adversely affected by the development. Relevant policy: NPPF Section 15 Local Plan Core Strategy Policies CP3 and CP7 and Policy TB23 of the MDD.

Biodiversity Enhancements

Unless otherwise agreed in writing by the Council all works are to be carried out in full accordance with the ecological enhancement measures specified in paragraphs in paragraphs 4.16 to 4.32 and appendices I and II of the submitted Bat Activity Surveys report (Crossman Associates, ref: A1144.001, August 2020), (and XXXX Addendum? ...)

Reason: To secure a net gain for biodiversity as per NPPF Section 15 and Local Plan policies CP1, CP3 CP7 and TP23.

External Lighting

No forms of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination and through the provision of appropriate contour plans, curfews and technical specifications clearly demonstrate that any areas to be lit will not disturb or negatively impact biodiversity. Any lighting shall be

installed in accordance with the approved details and shall thereafter be retained in accordance with the approved details.

Reason: To protect residential amenity and biodiversity. Relevant policy: NPPF paragraph 191 and Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1, CP3 CP7, and MDD Local Plan policies TB21 and TB23.

Landscape Proposals

Prior to the commencement of the development, full details of both hard and soft landscape proposals (including all the ecological enhancements specified within section 7.0 of the Preliminary Ecological Appraisal Report as prepared by Lizard Landscape Design and Ecology, ref: LLD1856, July 2020) shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of **ten** years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of biodiversity and to ensure that protected species populations are maintained and enhanced by the development. Relevant policy: Core Strategy policy CP3 and CP7, and Managing Development Delivery Local Plan policies CC03, TB06 and TB21.

CL9 Landscape Management

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping and protection and enhancement for biodiversity hereby approved. Relevant policy: Core Strategy policy CP1, CP3, and CP7 and Managing Development Delivery Local Plan policy TB23.

CL8 Protection of Trees

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of biodiversity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence. Relevant policy: Local Plan policies CP3, CP7, TB21, and TB23.

Construction Environmental Management Plan (CEMP Biodiversity)

No development (including demolition and vegetation clearance) shall take place until a Construction Environmental Management Plan (CEMP Biodiversity) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- 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) The location and timing of sensitive works to avoid harm to biodiversity features
- v) The times during construction when specialist ecologists need to be present on site to oversee works.
- vi) Responsible persons and lines of communication.
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- viii) The times during construction when specialist ecologists need to be present on site to oversee works.
- ix) 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.

Reason: To ensure that biodiversity, protected and priority species are not adversely affected by the proposals. Relevant policy: Core Strategy policies CP1, CP3 and CP7 and Managing Development Delivery Local Plan policy TB23.

Date:	31/10/24	Signed:	T Cuss
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