

MEMORANDUM

From:	Duncan Fisher Ecology Officer		
Service	WBC Ecology	App No:	242067
Address:	Land Between Lodge Road And Tape Lane, Hurst, RG10 0EG.		
Proposal:	Outline application for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.)		
Type of Development:	Major Dwellings (10+)		
Site Visit Made:	Yes/ 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

This application has been supported by an Ecological Impact Assessment (Tyler Grange, ref: 16542_R02a_MJ, 22 July 2024) and a completed Statutory Biodiversity Metric (completed 11 July 2024, iteration 1). I have reviewed these.

Biodiversity Net Gain

I have provided line by line comments within a copy of the metric (review date 30 August 2024). However, it is relevant to provide further review comments here.

Irreplaceable habitat

Irreplaceable habitat in the form of veteran trees has been identified on site. The individual trees are listed within the metric according to numbers applied within the Preliminary Arboricultural Impact Assessment (PAIA). The Ecological Impact Assessment (EclA) appears to rely on the PAIA for identification of veteran trees – the EclA has no explanation of how these veteran trees were identified. The PAIA has a brief note (A3.9) defining the age class veteran but this is limited in explaining the assessment process that has been undertaken.

Please can further information be supplied to explain the method for identifying veteran trees. In particular, please can it be explained how each of the three

possible routes to being identified as veteran (as given in the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) have been assessed. I am concerned that the high value for nature route has not been adequately considered for some trees that are currently not identified as veteran. It would be useful to have more detail on the assessment of trees T15, T30, T70, T71, and T72.

Added detail to follow in an updated EclA report.

Degradation

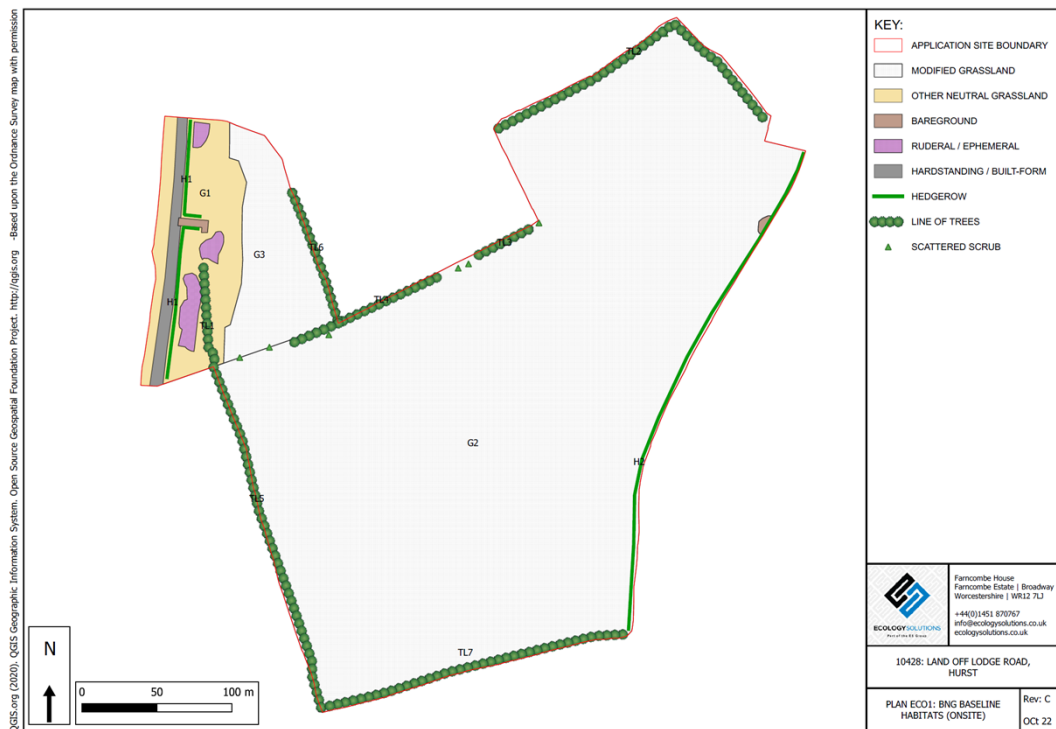
The EclA does not have a section that considers the potential for biodiversity degradation on site. It is not clear what checks have been made. I am concerned that degradation has occurred and this has not been factored into the baseline assessment.

Aerial photography flown 29 June 2019 shows two mature trees (shown circled red in the image snip below), roughly in a line between T14 and T70 and most likely extending the line of trees currently identified as part of a field boundary. It is my understanding that these trees were cut down shortly before TPO 1781/2021 was served in March 2021. Please can the applicant provide more information to consider this site degradation and adjust the BNG metric baseline accordingly.



The BNG metric will be updated to reflect the above. Whilst unconfirmed at the time of writing, 10% is still expected to be achievable on site. These trees will be included as veteran trees in the metric, in the absence of information on the condition of the trees.

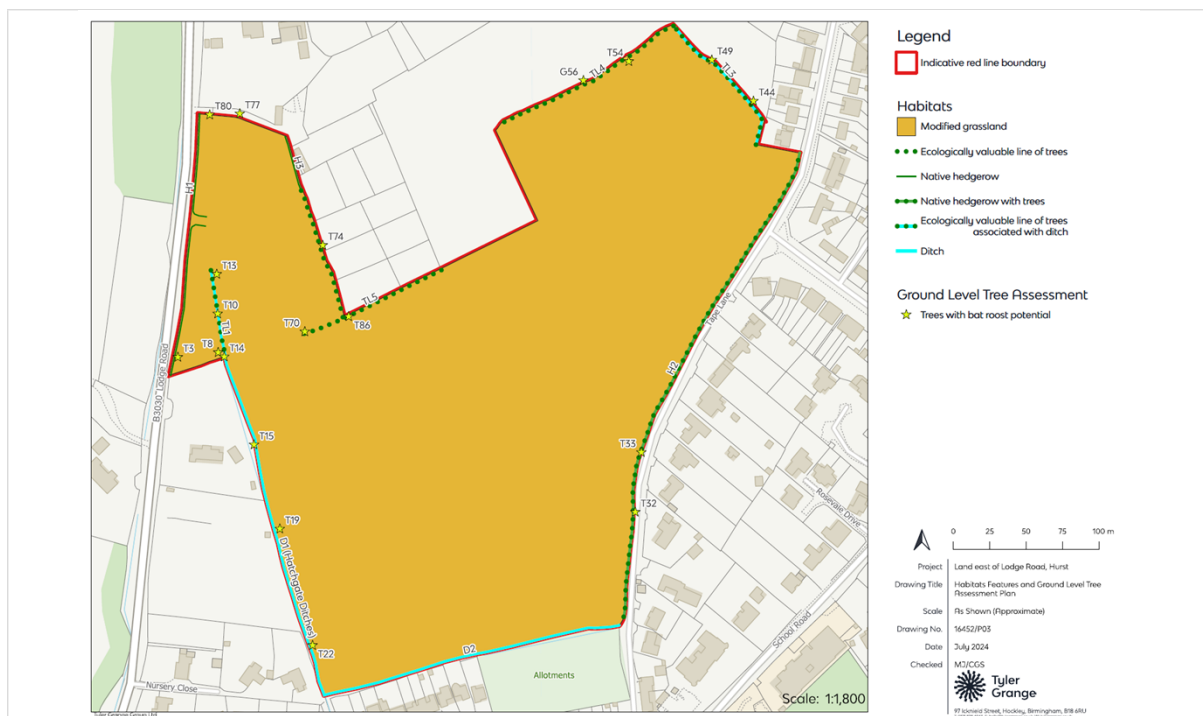
Reference is made in the current EclA to surveys of the site carried out by Ecology Solutions in 2021 and 2022 (paragraph 1.4). The Onsite Biodiversity Net Gain Assessment (Ecology Solutions, ref: 10428 Land off Lodge Road, Hurst, November 2022) submitted for application 220458 maps part of the site as other neutral grassland and ruderal/ephemeral:



It is the case that UK Habitat Classification (UKHab) habitat definitions have changed since the previous assessment, the submitted EclA by Tyler Grange uses the most up to date UKHabs definition. Notably in the previous assessment by Ecology Solutions, it was noted that species per m2 was below 9, which under 2023 UKHab definitions would put this habitat as Modified grassland. This change is therefore not considered degradation, but rather a change based on changing habitat definitions.

The current assessment of this part of the site as all modified grassland (see image snip below) indicates that the site has degraded. I also note that the modified grassland on-site has dropped from fairly good condition to moderate condition. Please can further information be provided to take into account site degradation of these habitats.

We don't consider the use of fairly good to be justifiable in this case as there is no reason for deviation from the given condition (as per the User Guide). This grassland fits the condition criteria for moderate. One of the condition criteria failed was presence of invasive species, with small Himalayan balsam plants found throughout the sward. As this was previously only found within ditches/treelines in the previous assessment, part of the difference could be attributed to this spread.



On-site Habitat Baseline

As well as addressing the indicative site degradation mentioned above, please can further information be supplied as to how the UK Habitat Classification habitat type g4, modified grassland, was determined. I note that tab A-3 in the metric provides some assessment of the current number of species per m² but this assessment approach is not detailed in the method. Given that some areas were identified as having 9-10 species per m², how has the potential for this grassland to be a higher distinctiveness habitat been discounted? How has the limitation of the grassland being under high grazing pressure at the time of the survey visits been accounted for when determining the grassland type?

The average species per m² was 7-8, which was taken from ten quadrats in May 2024 as part of the update UKHabs survey. It was not considered g3c Other Neutral Grassland as the sward consistently failed criteria 1 and 4, and often failing 2. It is not apparent why high grazing pressure would be considered a limitation. As that is the current land use, the sward should be assessed as it is under this land use. In addition, the grassland was surveyed in both December 2023 and May 2024, through which a thorough assessment of species was obtained both times.

Please can further information be provided to confirm how on-site individual trees (that are not within recorded hedgerow or line of tree features) around the boundary have been included within the metric – e.g. T21, T22, T23, G58, T59.

A short length of TL1 was considered to be along the southern end of Hatchgate Ditches – this is accounted for in the 0.40km length listed in the metric, however due to a mapping error this is not shown in the plan; this plan will be amended accordingly – further information to follow. Other trees listed here are either off site (G58) or are scattered scrub (T59); noting that the definition of a 'tree' may differ between arboriculture and ecology reports.

I am not convinced that the current condition assessment of the itemised veteran trees is correct. These trees should be assessed on an individual basis (page 21 of the Statutory Metric User Guide) so automatically pass condition criterion B.

Page 21 of the User Guide states “You should record all ancient and veteran trees as individual trees separately on a single data entry row and mark these as an irreplaceable habitat” – the term “individual tree” here is used to refer to the name of the broad habitat type as used within the metric. The condition criteria B is failed as these trees are part of a line/group/stand of trees, where the canopies in the line of trees is gappy. If this were amended, it would not make a material difference as the enhancements to Irreplaceable habitats does not pull through.

In respect to condition criterion D, the presence of a browsing line is natural and seen in very high distinctiveness habitats such as wood-pasture. I do not consider this an adverse impact on tree health by human activity and therefore recommend that this criterion should also be passed. These trees should therefore be given the higher condition score of good.

Some browsing is certainly a part of natural processes in the case of wild animals, however excessive over-grazing by domestic horses/donkeys kept by humans was considered a damaging human activity. The condition criteria specifies “adverse impact on tree health from livestock” which is the case in this instance.

On-site Hedge Baseline

There appears to be a tree line identified on the baseline map that has not been assessed – the tree line from G73 to T76. Please can this be labelled and included within the metric.

TL5 includes the treeline along the adjacent line. T76 is off site, but G73 is a hedgerow of blackthorn, which is included in the existing plan. The Preliminary AIA includes trees with RPAs encroaching site, but these won't be included in BNG as the tree is not within the site.

Please can further information be provided as to how condition criteria B and E were failed for TL1 and TL5.

TL1 and TL5 both have canopy gaps over 10% and browsing damage on over 5% of trees (some but not all trees have decline/damage described in the Preliminary AIA tree schedule, such as T12, G73, T74).

Please can further information be provided as to how condition criterion E2 was assessed for hedgerow H2. The comment that ‘some’ showed poor health with damage needs to be reassessed as a percentage showing poor health with evidence of this.

Well over the required 5% was damaged, with trees (as shown in the Preliminary AIA) G35 in poor condition with stem damage, T36 with browsing damage.

Please can further information be provided as to how condition criterion E was failed,

On-site Watercourse Baseline

Table 2.2 of the EclA identifies that the watercourse D1 (which is considered main river by the Environment Agency) flows into a culvert at the northern point of TL1. This culvert is not mapped or included in the baseline metric. Please can it be added as culvert is still a scoring feature.

The culvert may have been present historically, but is during the Modular River Physical Survey this was blocked and there is no evidence of the culvert existing or functioning in this location.

Please can further information be supplied to justify the riparian zone encroachment scores applied in the metric for both watercourse features. I am not convinced that gardens and horse pasture are always a management practice that qualifies as encroachment. I am also not convinced that the buildings within the riparian zone 0-4m and 0-2m riparian zones (for D1 and D2 respectively) have been tested against the exemption of *“existing small amenity features and utility units where the total footprint is less than 5% of the riparian zone area”*.

Christian Cairns: Guidance states that riparian zone encroachment ‘is any feature or intervention within the riparian zone that reduces the quantity, quality or ecological function of the riparian habitat includes:

- buildings or hardstanding
- management practice (including agriculture)
- structures that prevent wildlife from accessing the riverbank’

While vegetated gardens are not specifically within the provided list, they are classed as an ‘Urban’ habitat which cannot be controlled via management plans and are largely entirely manmade/unnatural environments. To further contribute to the definition of gardens being encroachment, there is a fence running along the bank top between D1 and the gardens, reducing the ecological function of the riparian zone and preventing wildlife from accessing the riverbank, which is the definition of encroachment, as per best practice guidance.

Furthermore, as the horse pasture is created directly as a result of grazing by horses, which are livestock, it does meet the criteria to be classed as agriculture. The only exception to this could be if horses are specifically being used in some form of habitat restoration or management to mimic natural grazing which is not the case at this site.

The point about encroachment of the buildings is not strictly relevant, as if the whole surrounding areas being garden are classified as encroachment then the building are less than 5% does not make a material difference to the assessment. This exception is intended to encompass small amenity or utility features.



Please can the river type for watercourse D1 be given. Was any assessment of whether the watercourse was over deep made

Christian Cairns: River Type as assessed on Cartographer is K - Straight/sinuuous, coarsest SA, average SI.

Not certain what what is meant by over deep but there is no obvious indicators of it been dredged.

Please can the date of the watercourse D2 condition assessment be confirmed. Was it undertaken at the right time of year to assess criteria B and D?

This was undertaken initially in December 2023, then with an update in May 2024, alongside the rest of the UKHabs survey.

Post-development Scenario

At this outline application stage, it is not necessary to demonstrate a detailed plan for satisfying the general biodiversity gain condition, should permission be granted. Consequently, I have not made a line by line commentary on the proposals. These will need to be assessed in full at the point of condition discharge.

However, it is relevant to consider the post-development scenario to understand the general strategy for satisfying the general biodiversity gain condition. It is clear from the illustrative masterplan that there will likely be on-site green space delivering biodiversity net gain units. At the moment, the strategy appears to be to deliver the required biodiversity net gain on-site. This requires creation or enhancement of a significant area of medium and high distinctiveness habitats within the public green space. The local planning authority will need to be confident that the ongoing appropriate management of these habitats is secured for a minimum period of thirty years.

I therefore recommend that a condition is applied to secure the submission and approval of a habitat management and monitoring plan (HMMP) for all public open space. I also recommend that planning obligations are used to:

- i. Set out a process of adoption of the public green space by an appropriate body with a funding process to cover ongoing management for a minimum period of thirty years.
- ii. Require the adherence to the approved HMMP, with submission of monitoring reports by the land owner on a timetable of years 0 (implementation / practical completion), 1, 2, 5, 10, 15, 20, 25, and 30.
- iii. Secure a contribution to the Council to fund ongoing invigilation of delivery of the HMMP.

It is appropriate and in line with the planning practice guidance to secure these measures at this stage.

I note that the Parameter Plan (revision C) does include an extension to the Tape Lane allotments on the southern border of the site. It is not entirely clear whether this is deliverable alongside the retention and enhancement of the watercourse D2. However, I accept that this is a detail that does not need to be resolved at this stage. It will be relevant, however, to consider whether the trees immediately south of the allotment extension (some of G27, T28, G29 and T30) can be retained with if the extension is to be viable. If not, these trees will need to be factored into the habitat baseline so their necessary loss can be measured and compensated.

Irreplaceable Habitat

I have referenced the irreplaceable habitat in relation to biodiversity net gain above. However, it is worth confirming at this point that the current Parameter Plan does show the currently identified veteran tree buffer zones as being within areas of on-site green infrastructure. This means that they may well contain appropriate habitat for the buffer zone. Whilst the detail of the landscaping within the veteran tree buffer zones is a reserved matter, the local planning authority needs to be confident that the green infrastructure areas identified within the Parameter Plan are sufficient to provide the pedestrian and cycle routes, sustainable drainage systems, and children's play spaces (which are also specified for inclusion in the green infrastructure) outside of the veteran tree buffer zones.

The HMMP that I have recommended be secured by condition above (in relation to biodiversity net gain) should also include as an objective the long-term retention of the veteran trees and detailed prescriptions for their ongoing management, avoiding conflicts with other public open space pressures wherever possible.

To be controlled via a condition.

Badger

The EclA identified a likely Badger sett off-site but none on-site or off-site and within close proximity to the proposed development area in the Parameter Plan.

I am of the view that the proposed development is unlikely to result in the damage or destruction of a Badger sett and that the risk of harm to individual Badgers during construction can be mitigated. I recommend that mitigation measures relevant to construction are secured via a Construction Environmental Management Plan (CEMP) condition.

The impact of the proposed habitat changes on Badger foraging and territories is harder to assess based solely on the information presented within the EclA. Looking at the sett data available to the Council, I think it likely that the application site is part of a connecting corridor of foraging and territory. It will be important for the site to provide ecological permeability for this species. Reviewing the Parameter Plan, I am of the view that ecological permeability could be provided within the green infrastructure. I recommend that a condition is applied to secure the detailed provision of ecological permeability measures for Badgers and other protected species and species of principal importance (such as Hedgehog).

Looking at the indicative landscaping, it is likely that the green infrastructure created on site will continue to provide suitable foraging habitat for Badgers. The site does not represent the entire foraging area for typical Badger clan – a Badger clan will not be entirely reliant on the habitat currently present or on the habitat proposed to be created. Considering the habitat changes being outlined, I am of the view that this proposal is likely to be net neutral to the foraging resource locally.

No action needed – condition to control mitigation/enhancements.

Bats

Please could further justification be given for considering the site to have low suitability for foraging and commuting bats (paragraph 2.16 of the EclA). Looking at Table 4.1 of the Bat Surveys for Professional Ecologists guidelines there is considerable overlap between the site and the description of moderate potential suitability. As this suitability judgement has a significant bearing on the recommended intensity of static bat detector surveys this needs to be more clearly justified.

It is acknowledged that the habitats types on site lie somewhere between Low and Moderate suitability. Given the vast majority of the site is modified grassland, the assessment was made as Low, in line with previous assessments by Ecology Solutions. It was not considered proportionate to increase survey effort for these update surveys.

Within guidance (BCT 2023) it also states that survey effort should be proportionate (para 8.2.47); including *“type and diversity of habitats affected; predicted impacts of the proposed development on bats; type and scale/size of proposed development”*. As watercourses and linear features are being retained and buffered, with lighting expected to be controlled via condition, seasonal surveys were considered proportionate to the predicted impact of the proposed development on bats. Fundamentally this would not affect the mitigation recommendations as all features of importance to bats are being retained and buffered, with bat-sensitive lighting post-development expected to be conditioned.

I note that paragraph 2.17 of the EclA acknowledges that the bat activity surveys are ongoing. I shall therefore wait until the full results and interpretation are submitted to comment further on the potential impact of the proposed development and the specific needs for mitigation.

Paragraph 2.19 of the EclA refers to a Ground Level Tree Assessment Plan, 16452/P07 that should be in Appendix 3. Unfortunately, it is not included within the EclA. Please can it be supplied.

This is an error from an earlier draft – the Ground Level Tree Assessment plan is part of the Habitat Features and Ground Level Tree Assessment Plan 16452/P03. The EclA will be updated accordingly.

I am not sure why the 19 trees assessed as having potential to support roosting bats in the ground level tree assessment (GLTA) have all been assessed as further assessment required (FAR). The purpose of a GLTA is to try and categorise FAR assessed trees as containing either PRF-I or PRF-M. Please can further information be provided as to the nature of the potential roost features (PRF) that have been identified on-site.

A GLTA can only assess a tree as FAR for certain as per guidance, (BCT 2023) which states *“6.7.14 During a GLTA, the suitability of trees and PRFs can be categorised according to categories outlined in Tables 4.2. and 6.2 respectively. However, at this stage PRFs are not inspected in any detail and therefore this is only an estimate of their potential for supporting roosting bats”*.

I note that the current proposal is to retain all trees that have been identified as containing PRFs. I am not convinced that this is an acceptable point to finish assessing how this proposal may impact bats using this tree roosting resource. If there are PRF-Ms present on site then it is relevant to consider whether they are provided with sufficient buffer within the Parameter Plan. It is relevant to consider the risk of the development introducing significant disturbance (e.g. from lighting) to PRFs that have insufficient buffer.

When deciding whether further surveys are required, Figure 6.1 states if proposals can change to avoid impacts, a PWMS in case roosts are present, as well as inputs to lighting plans and retention of flight paths, is the recommended way forward. We would invite a condition to control lighting to prevent impacts at RM stage, to include all FAR trees as well as flightlines.

Whilst the PRFs could further be classified to PRF-I or PRF-M via tree climbing, this was not considered proportionate as (even if all PRFs were classified as PRF-M) all trees are to be retained appropriately buffered. Proportionality is also considered importance in best practice guidance, where 2.2.17 *“the type of survey (or suite of surveys) undertaken and the amount of effort expended should be proportionate to the predicted impacts of the proposed activities on bats”*.

Birds

I am of the view that level of survey effort over recent years has been sufficient to demonstrate that the proposed development is unlikely to have an adverse impact on ground nesting bird species of principal importance such as Skylark.

If enhancements measures such as bird boxes for relevant species are included within the design of the proposed development, as expected in the national design code, then the local planning authority can take the view that the proposed

development is likely to be of minor benefit to the local bird population. I therefore recommend a condition to secure detail and implementation of species specific enhancement measures.

Reptiles

The EclA confirms the presence of at least one reptile species. I am of the view that the risk of injuring or killing reptiles can be adequately mitigated during construction through the application of reasonable mitigation measures. I recommend that the detail and implementation of these measures are secured via a CEMP condition.

As reptiles are species of principal importance, it is also relevant to consider the impact of the development proposals on the local conservation status of these species. I am of the view that targeted enhancement measures within the proposed green infrastructure, if secured by condition, would likely result in a minor benefit to the local conservation status.

National Site Network (Natura 2000 Sites)

I agree that the proposed development is outside the linear mitigation zones used to scope in the need to consider the recreational impact pathway to likely significant effects on a National Site Network site. The project does not need to be screened out from the need for an appropriate assessment in relation to the Thames Basin Heaths SPA, Windsor Great Woods SAC, or the Chilterns Beechwoods SAC.

I think that it is reasonable to also screen out the air quality pathway for likely significant effects on these sites from this project also.

Conditions & Reasons (if required)

Awaiting further information but provisionally:

Habitat Management and Monitoring Plan (HMMP)

Construction Environmental Management Plan (CEMP)

Species Specific Enhancement and Ecological Permeability

Date: 30 August
2024

Signed: D. Fisher