

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

Further information has been supplied in the form of a revised Ecological Impact Assessment (Tyler Grange, ref: 16542_R02b_MJ, 21 November 2024) and a revised Statutory Biodiversity Metric (unfortunately the Start Tab information has not been updated on this so it still reads completed 11 July 2024, iteration 1. I recommend that this is considered as iteration 2 to help differentiate). A direct response to my first set of comments has also been provided.

This second memo considers this further information.

Biodiversity Net Gain

I shall provided line by line comments within a copy of the metric. However, it is relevant to provide further review comments here.

Degradation of irreplaceable habitat

Degradation of the site via the loss of two trees – identified as T85 and T86 in the Ecological Impact Assessment (EcIA) – has been accepted by the applicant. The EcIA identifies the trees as being veteran trees. Procedurally, the loss and compensation of irreplaceable habitat is not to be resolved within the biodiversity

net gain metric. Instead, a separate suitable compensation strategy needs to be agreed.

No compensation strategy has been submitted. On the basis that a compensation strategy does not exist, this proposal should be refused as per National Planning Policy Framework paragraph 186 (c).

Other site degradation

The further information does help address some of the concerns that I raised regarding the biodiversity net gain baseline assessment of the site. However, there are a number of parts where there remain disagreement. For instance, I am not convinced that it is correct that the grassland in the north-west of the site has not degraded when considering the ecology survey information from a previous application on this site (220458). Reference is made to survey quadrats from the May 2024 survey but no detail of that survey is supplied. I cannot follow the logic that the change in habitat type is down to a change in the version of UKHabs.

On-site Habitat / Hedgerow / Watercourse Baseline

I do not agree with all of the condition assessments explanations on the basis of the current evidence submitted.

I cannot recommend that the local planning authority can agree the biodiversity net gain survey baseline. The supporting evidence is insufficient to be able to agree that the survey date used for the baseline assessment reasonable to use. If permission is refused, then it is appropriate at this stage to include a reason for refusal that:

By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10% biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Bats

I note that paragraph 2.17 of the EclA still advises that the bat activity surveys are ongoing. Paragraph 2.19 makes reference to a detailed Bat Activity Report (16452/R02) although this appears to have not been submitted alongside the revised EclA. Therefore there is insufficient up to date information for the local planning authority to be able to consider the potential impact of this development proposal on European Protected Species.

Paragraph 2.20 of the EclA refers to a Ground Level Tree Assessment Plan, 16452/P07 that should be in Appendix 3. This is now supplied. However, it has become clear in the response to my first memo that a ground level tree assessment (as described in the bat survey guidelines) has not taken place. The applicant's ecologists have only conducted a preliminary ecological appraisal. I recommend that this cannot give the local planning authority confidence that appropriate protected species mitigation measures are embedded within the parameters plan. Approval on the current evidence risks agreeing to development in proximity to a bat maternity tree roost without sufficient buffering to be confident of retention.

I therefore recommend that the current proposal has not demonstrated compliance with the guidance set out in ODPM circular 2005/06, nor with local plan policies CP7 and TB23.

Conditions & Reasons (if required)

Date:	29 November 2024	Signed:	D. Fisher
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