

INTERNAL MEMORANDUM



FROM: NATURAL ENVIRONMENT SERVICE AREA

Reference Number: 23/P/0664/OUT

Application: Outline planning application for the development of up to 190no. homes (including 50% affordable homes), 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, open space and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, scale, layout, appearance and landscaping) reserved for subsequent approval.

Location: Land To North Of Rectory Farm Chescombe Road Yatton

Date of comments: 11/04/2024

Formal comments from Thomas Bell, Natural Environment Officer – Ecology regarding the above application.

On ecology grounds, this application should be recorded as:

No objection – subject to inclusion of recommended conditions and approval of the sHRA

Comments

A Ecological Impact Assessment (dated March 2023) of the application site was carried by Clarkson and Woods. The application is also supported by a revised Shadow Habitats Regulation Assessment (sHRA) dated 22/02/2024 and letters from Clarkson and Woods dated 28/02/2024 addressing concerns raised by myself and Natural England.

I consider it now clear that the HEP calculations have been amended and also consider lighting constraints following a precautionary bases in which a 10m buffer has been applied in the absence of detailed internal modelling at this stage. As previously highlighted this application and the site to the south (23/P/0238/RM) both share allocated fields to the west of the strawberry line for offsite HEP compensation. It appears that the 2.9ha of land are sufficient to meet the HEP requirements of this application and will be managed with an ecologically sensitive cutting regime in the absence of securing grazing. It is clear the remaining 1.3ha is available for 23/P/0238/RM. I also welcome the 8 meter buffer from the boundaries on the offsite location for the protection of the ditches.

I welcome the proposal to install a dedicated night roost for bats near the strawberry line and would suggest the placement of this near the allotment as suggested in the letter to Natural England would result in the least amount of likely public disturbance.

Species potentially impacted:

Amphibians

Three ponds within 250m radius were assessed for great crested newt potential comprising of eDNA surveying. All three ponds returned negative results. The ditches throughout the site were not considered to be suitable for breeding great crested newt. It is considered great crested newts are likely to be absent within the Site.

Badgers

While no sett was identified on site, there is suitable foraging and commuting habitat on site. A known sett is present in a garden to the south some 90m from the red line boundary under a garden shed identified during surveys of the land to the south of the proposals.

Bats

Trees assessed with low potential for roosting bats included: A mature oak in Field 8 The mature oak present along D8. The mature ash present to the north of D8 and Two oaks present in H13 and H14 as indicated by the ecology report. No buildings on site were assessed as having bat roost potential.

Birds

A breeding bird scoping survey recorded a good assemblage of garden and farmland birds predominantly associated with the hedgerows. A wintering bird survey was not considered necessary in this instance due to the low quality of the habitats present for species such as overwintering waders.

Dormice

No specific survey for dormice has been undertaken due to the low likelihood of impacts to this species. The western and northern hedgerows connect into the Strawberry Line which connects to the wider landscape which indirectly links the site with known populations of dormice.

Reptiles

A low population of grass snake and slow-worm present on the eastern boundary.

Otter

An otter spraint was recorded on the corner of ditches D29/D30 on the bankside north of the culverted section which provides access between Fields 9 and 1 as stated within the ecology report. This indicates otters use the internal ditches of the Site.

Designated sites:

North Somerset and Mendip Bats – Special Area of Conservation (SAC)

With reference to the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (2018), the application site lies within Band B of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features, and is also within Band B of the lesser horseshoe bat density banding.

Conditions:

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please consider the following along with recommended conditions should planning permission be granted. The conditions proposed below are a draft only and I would welcome discussion with the Case Officer with regards to suitable wording to ensure that conditions meet the tests as set out in of the NPPF.

Bats - Lighting

An appropriately worded condition that sets out that no lighting is to be installed unless approved by the LPA is recommended. Furthermore, the reserved matters application should provide definitive details regarding lighting plans please attach the following condition:

- No lighting shall be installed until details, including:
 - i. details of the type and location of the proposed lighting;
 - ii. existing lux levels affecting the site;
 - iii. the proposed lux levels; and
 - iv. lighting contour plans,have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Construction Environmental Management Plan

To secure appropriate mitigation please attach the following condition:

- The development, herby permitted, shall not commence vegetation clearance, ground works or demolition until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - i. Identification of risks with potentially damaging construction activities.

- ii. Identification of biodiversity protection zones and buffer zones.
- iii. Practical measures to avoid or reduce impacts during construction to identified protected species or habitats associated with the site (may be provided as a set of method statements)
- iv. The location and timing of sensitive works to avoid harm to biodiversity features, including any construction lighting.
- v. The times during construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- vii. Use of protective fences, exclusion barriers and warning signs.
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

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: In the interests of European and UK protected species under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Mitigation Compliance monitoring

To ensure appropriate mitigation has been carried out please attach the following condition:

- A report prepared by the Ecological Clerk of Works shall be submitted to the Local Planning Authority for approval before occupation of the development, certifying that the required mitigation and compensation measures identified in the Ecological Impact Assessment report dated March 2023 by Clarkson and Woods have been complied with and detailing the results of site supervision and any necessary remedial works undertaken or required. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the Ecological Impact Assessment report dated March 2023 by Clarkson and Woods and that Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Survey re-validation

To ensure appropriate mitigation has been carried out please attach the following condition:

- If the development, hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
 - i. establish if there have been any changes in habitats or the presence and/or abundance of protected species and
 - ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate changes that will result in ecological impacts not previously addressed in the approved scheme, a new or amended mitigation strategy will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological mitigation strategy.

Reason: In the interests of European and UK protected, and priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1)

Landscape and Ecological Management Plan

To secure long term post construction management please attach the following condition:

- A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:
 - i. A description and evaluation of features to be managed.
 - ii. Ecological considerations that might influence management.
 - iii. Aims and objectives of management with appropriate management options for achieving them.
 - iv. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - v. Details of the body or organization responsible for implementation of the plan.
 - vi. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation will be secured by the developer with the management body(ies) responsible for its delivery. should monitoring results show that aims and objectives are not being met, the plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the biodiversity objectives of the approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Ecological Enhancement/Biodiversity Net Gain

All schemes should achieve no net loss and demonstrate net gain of biodiversity in accordance with the Environment Act 2021, NPPF and North Somerset Council Policies CS4 and DM8, a more detailed ecological enhancement plan should be provided, please attach the following condition:

- Prior to the commencement of development, the applicant shall submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds, roosting bats, native species planting and brush piles for reptiles and amphibians. The proposals shall be permanently installed in accordance with approved details.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, the Environment Act 2021 and Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).