

[REDACTED]

From: Paul Phillips
Sent: 11 April 2024 07:19
To: Paul Taylor
Cc: PlanningAndGrowth Email
Subject: 24/00347/HYBRID Land North of Tollerton

OFFICIAL

Dear Paul Taylor

With respect to the application for planning permission on Land North of Tollerton

I note an Environmental Statement has been received of which Chapter 9 relates to Biodiversity. This is supported by ecological surveys detailed in appendices 9.3 –9.9:

Bat Survey Report (Appendix 9.3); Surveys were completed April to September 2022, and appear to have been carried out in accordance with good practice. The control tower was assigned as having low potential for bat roosts and Trees T9 (moderate potential) –the consultant ecologists stated “This tree should be retained alongside the Development wherever possible”, while trees H2a, T17, T18, and tree group group G11 were assigned low potential for bat roosts. All other buildings and trees were assigned negligible opportunity for bat roosts. During activity surveys no bats were observed emerging from the buildings with potential, these results for the buildings will be in date until August 2024, therefore it is recommended an update survey is undertaken prior to works commencing and any recommendation implemented, this should be a condition of any planning permission. With regard to Trees H2a, T17, T18, and tree group group G11 “A precautionary approach to the removal of any of these trees is advised, with an update survey to be carried out once development proposals confirm what is to be removed”

The site was confirmed to support foraging / commuting bats with “At least six species of bat were recorded at the Site and within the wider survey area...“The majority of contacts were recorded along the Polser Brook and its associated hedgerow/trees”. “The two watercourses within the survey area are likely to form a key foraging and commuting feature for barbastelle bats locally”

[REDACTED]

Riparian Mammal Survey Report (Appendix 9.5) “A riparian mammal survey of the Polser Brook and Thurlbeck Dyke was completed in July 2022 with a second survey of the Polser Brook completed in May 2023, and appear to have been carried out in accordance with good practice, Otter are highly mobile species and update surveys are required prior to commencement of works. Five otter spraints (droppings) were found along the course of the Polser Brook only, which confirms its use by otter, and it is expected that this watercourse is used as part of a wider home range. No evidence of otter was found along the Thurlbeck Dyke though it is expected that otter may make occasional use of this watercourse”. “No evidence of water vole was found”. “Disturbance to the brook and riparian habitats from increased human activity, noise and lighting, as well as potential disturbance from dogs could influence otter behaviour”

Other mammals: The Environmental Statement states “Brown hare have been frequently recorded at the Site over the course of 2022/23, particularly within southern and eastern areas of the airfield”. “Hedgehog may also occur in small numbers at the Site and the Polser Brook and associated marginal habitats could support water shrew and harvest mouse” “Brown hare using retained or newly created habitats at the Site will experience increased

disturbance from human activity, as suitable habitats are likely to be used as public open space. Dog walking and off-lead exercising of dogs is likely to be most disruptive and may displace brown hare from the Site” “these habitats may still be used by brown hare for foraging at night if suitable day refuges are available”

Bird Survey Report (Appendix 9.6) bird survey work was completed in April 2022 –January 2023, and appear to have been carried out in accordance with good practice, this is in date until December 2024. The Environmental Statement states “Much of the breeding and non-breeding bird interest at the Site, and much of the diversity, is related to farmland specialist species. Whilst the breeding and non-breeding bird assemblages as a whole are considered to warrant County level importance, populations of several species recorded at the Site are individually considered to be of importance at the Local level or above.” “curlew and short-eared owl populations are considered to be of County importance at the Site, on account of their rarity. Breeding populations of grey partridge, meadow pipit and skylark, and non-breeding populations of grey partridge within the Site are considered to be of Local importance (as well as within the Wider Survey Area) on account of the numbers of birds supported by on-site habitats and their conservations status. Remaining farmland species such as greenfinch, linnet, reed bunting and yellowhammer are considered of have breeding and/or non-breeding populations of Local importance when taken across the Site and Wider Survey Area combined, but not within the Site in isolation.

Farmland bird distribution and activity may be negatively affected in habitats around the Site due to disturbance. Ground-nesting species or those sensitive to disturbance such as skylark, grey partridge, curlew and short-eared owl are most likely to be impacted by dogs off leads.

Significant negative effect was predicted for curlew and skylark, suitable mitigation cannot be provided on-site as proposed areas of grassland and open space will be unsuitable to support these species.

Reptile Survey Report (Appendix 9.7) “Reptile presence/likely absence surveys were undertaken during April to September 2022 and appear to have been carried out in accordance with good practice, these surveys will be in date until August 2024 and if work has not commenced by this date, update surveys should be provided and any recommendation implemented prior to commencement of works. The Environmental Statement states “No reptiles were found at the Site however ..it is expected that a small number of grass snakes do occur within the Site.”

Great Crested Newt Survey Report (Appendix 9.8) Assessment of ponds in 2022 found one potentially suitable pond within the Site however eDNA confirmed great crested newt to be absent.

The Polser Brook was seen to support small shoals of fish including perch *Perca fluviatilis*, minnow, and suspected roach *Rutilus sp.* during the riparian mammal survey in July 2022. These are common and widespread species

Invertebrate Scoping Report (Appendix 9.9) April 2022 concludes “the Site is not likely to support any notable invertebrate populations/assemblage”

A crack willow *Salix fragilis* (T8) in the south-east of the Site has been classified as veteran (an irreplaceable habitat), Two willows trees (T9, T17) were noted as having some veteran features but not qualifying as veteran trees. T8, T9 and T17 are collectively and individually considered to be of Local importance

Potential to impact on Grantham Canal LWS is determined to be unlikely as drainage leads to the Polser Brook which is not hydrolically connected, however Ditches and Streams are both Habitats of Conservation Concern within the Nottinghamshire Local Biodiversity Action Plan; both Polser Brook and Thurlbeck Dyke could be directly impacted by construction of drainage features and infrastructure if suitable mitigation is not undertaken.

No notable plant species or assemblages have been recorded on the Site. Himalayan balsam was recorded along the Polser Brook which runs along the eastern boundary of the Site.

The Environmental Statement states “The Lighting Impact Assessment prepared by Stantec predicts there will be no measurable change in light-spill onto the Grantham Canal. A permanent increase in artificial lighting will occur at the Site as a result of the Development, and in the absence of mitigation, this may have a significant negative effect on bats using habitats on and adjacent to the Site”.

No nationally or locally designated sites are likely to be directly impacted by these works provided suitable mitigation is undertaken.

Recommendations for mitigation and avoidance measures are supplied by the consultant ecologist these are:

- a CEMP should be produced to include: Standard best practice construction phase pollution prevention and control measures; Sensitive working methods and timing to avoid direct impacts to nesting birds and reptiles; All working measures needed to comply with the terms of European Protected Species (EPS) or other protected species derogation licencing specific to the development phase or works activity; and Updated ecological surveys, where necessary, to identify shifts in the baseline ecological condition (such as to support protected species derogation licence applications) in order that revised impact avoidance and mitigation measures can be adopted as required.
- measures to reduce noise, artificial lighting, dust and water pollution will be set out within a CEMP
- pollution prevention methods will be implemented within/around ditches, swales and outfalls to intercept silt and pollutants before they enter the brook.
- requirement for a Toolbox Talk and ongoing monitoring visits to be completed by an Ecological Clerk of Works (ECoW)
- management measures to prevent the spread of Himalayan balsam during construction works will be set out as part of a CEMP. Ongoing management of aquatic habitats and control of invasive species detailed within LEMP
- protective fencing to be installed alongside the ponds, ditches and streams (including Polser Brook) to demarcate a buffer zone which will act as a barrier to machinery/vehicle movement, potentially polluting activities (refuelling, cement mixing) and storage of materials. Ditch crossing points will be included in detail within the CEMP to ensure that the construction methods involved are undertaken in such a way that avoids environmental pollution events and long-term impacts to aquatic habitats. Brookside and wetland habitats too be retained with ongoing management of aquatic habitats detailed within LEMP.
- any construction activities at or within 30m of the Polser Brook habitats (i.e. drainage connections) will be preceded by an update survey of the working area and adjoining habitats for a minimum 30m to ensure no other resting/breeding sites will be impacted or disturbed. Pre-commencement survey requirements, precautionary working methods and contingency measures will be set out within a CEMP.
- the veteran tree (T8) will be protected in-line with BS5387:2012 during construction works, with a large exclusion zone to reflect its veteran status (14m from the trunk). Detailed within the LEMP to ensure appropriate management and monitoring.
- updated assessment of bat roosting potential of trees to be undertaken for any directly or indirectly trees impacted by each phase of development. Retention of key bat habitat and flight corridors, provision of replacement planting to be detailed with the LEMP.
- a sensitive lighting scheme and/or controls will be implemented during the construction phase (see 9.200 of ES Ch 9). No artificial lighting will be used near the brook. An agreed operational sensitive lighting scheme see (9.216) will be implemented

- procedures for ramping of excavations to prevent entrapment and appropriate storage of hazardous materials to be contained within the CEMP and implemented

- the removal of potential bird nesting habitat (to include farmland, scrub, trees, rough grassland and farm buildings) will be undertaken during the period September to February inclusive or a pre-commencement nesting check will be undertaken by a suitably qualified ecologist
- precautionary working methods for reptiles will be specified in a CEMP and implemented during initial vegetation clearance works. Where suitable reptile habitat (e.g. scrub, long grassland, hedgerow) will be removed to facilitate development, a staged vegetation clearance strategy will be followed.
- drainage scheme to be agreed for the Site (draining into Poyzer Brook via SUDs (swales, pocket wetland and attenuation basins) features)

and along with any relevant recommendations in the standing advice online at

<https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/>, should be implemented and a condition of any planning permission.

Recommendations for enhancement measures are supplied by the consultant ecologist:

- permanent bat roosting provision will be provided on new buildings (at least 50%) and at least 10 suitable boundary trees to provide opportunities for local bat species. The exact provision will be detailed within a Biodiversity Enhancements Plan and agreed with the LPA
- provision of replacement habitat types, including scrub, woodland, grassland and wetland to be detailed within a Biodiversity Gain Plan and agreed with the LPA
- permanent bird nesting provision for species including house sparrow, starling, house martin and barn owl will be included within the Development to provide opportunities for species recorded at or adjacent to the Site. Boxes will be provided on buildings (at least 50%) and trees as appropriate. Full detail will be provided as part of a Biodiversity Enhancements Plan and agreed with the LPA
- 15ha of public open space to be provided (see BNG below)
- ongoing management measures for Himalayan balsam to be set out within the Landscape and Ecological Management Plan (LEMP) and agreed with the LPA
- management prescriptions to maintain and enhance the ecological value of SUDS to be set out within a LEMP and agreed with the LPA
- specific consideration of the veteran tree and significant trees T9 and T17 to be set out within a LEMP (see 9.215) and agreed with the LPA
- day refuges for brown hare should be provided.

and along with any relevant recommendations in the standing advice online at

<https://www.rushcliffe.gov.uk/environment/ecology-in-planning-and-biodiversity-net-gain/>, should be implemented and a condition of any planning permission.

It is unlikely this development will impact on the favourable condition of populations of protected species, provided the mitigation and enhancement is implemented, although there is potential for long term impacts on populations of Schedule 1 birds.

Biodiversity Net Gain (See ch 9.219 –9.222 of the Environmental Statement and Appendix 9.10 and the supplied Statutory Metrics).

The Environmental Statement states that the development will “result in a net loss in habitat units (-10.09 units, - 6.58%) but a significant net gain in hedgerow habitat (+12.79 units, +60.52%) and watercourse habitats (+3.03 units, +16.82%) could be secured”. The Environmental Statement also states “the Development can be presumed to result in a net loss in habitat units and additional measures will need to be agreed and secured as part of a planning consent”. This application is not exempt from mandatory Biodiversity Net Gain. No proposals to address the resulting net loss of habitats have been provided, therefore at this time it must be assumed this proposed development does not comply with the requirement for Biodiversity Net Gain under the Environment Act 2021, therefore it would not be legally compliant to approve this application.

Yours Sincerely

Paul Phillips (CEnv, MCIEEM, MSc)
Senior Ecology and Sustainability Officer
(Normal working days Mon –Thur)

Please think if you need to print this email.

For energy efficiency advice please visit <https://nottenergy.com/> or see <https://www.simpleenergyadvice.org.uk/>

Rushcliffe Borough Council seeks to protect and enhance wildlife and is a member of the Nottinghamshire Biodiversity Action Group (<http://www.nottsbag.org.uk>) and the Rushcliffe Nature Conservation Strategy Group (www.facebook.com/RNCSIG) and hosts Tree Wardens across Rushcliffe (<https://www.facebook.com/TreesAcrossRushcliffe>)



<https://www.rushcliffe.gov.uk/energy/>



*Rushcliffe Nature
Conservation Strategy
Implementation Group*

<https://www.rushcliffe.gov.uk/environmentandwaste/outdoors/natureconservation/>