

STRATEGIC PLANNING BOARD – 22 September 2016

UPDATE TO AGENDA

APPLICATION NO: 16/1046N

LOCATION: LAND OFF CREWE ROAD HASLINGTON

ECOLOGY UPDATE

Members will note from the main report that the Council's ecologist has been waiting for more information concerning great crested newts. The Ecologist has now had that information and can advise about the implications of this scheme for the favourable conservation status of the protected species, which is the test within the Habitat Regulations that needs to be assessed.

The proposed development would result in the loss of a significant area of terrestrial habitat. Much of the application site however is currently used for arable farming and so would be considered to be low quality terrestrial habitat for great crested newts and the loss of this type of habitat would have a low level adverse impact upon great crested newts.

There is however a loss of woodland, wet grassland and scrub habitat in close proximity the breeding ponds and in addition the construction of the attenuation ponds in this area would cause a significant amount of disturbance within a few meters of the ponds. Regarding the woodland area located in the vicinity of the ponds. It has always been the desire (as expressed in previous consultation comments) to see this area retained as part of the development particularly as it was shown as retained under the outline illustrative masterplan.

This habitat would however now be likely to be at least partly lost as a result of the proposed attenuation ponds. So in conclusion, whilst it would be desirable for this area of woodland to be retained and its loss is regrettable, its potential value and loss is not sufficiently significant when considered in the overall context of the proposed habitat mitigation proposals, to amount to a likely reason for a European Protected Species license to be refused by Natural England, and is not a sustainable reason for refusal of the planning application.

Overall, the scheme would result in the loss or modification of habitat in close proximity to breeding ponds and would result in a HIGH magnitude adverse impact on great crested newts using the Natural England impact assessment guidelines. A plan has now been submitted showing the location of suitable great crested newt terrestrial habitat that would be delivered as part of the proposed development.

The Ecologist advises that on balance the proposed mitigation and compensation is acceptable to maintain the favourable conservation status of the local great crested newt population. If planning consent is granted the following conditions are required:

The proposed development to proceed in accordance with the submitted draft great crested newt mitigation strategy unless varied by a subsequent Natural England license.

Reason to safeguard biodiversity in accordance with the NPPF.

An fence and access gate is to be provided to demarcate the area of Wildflower planting and amenity grassland located in the sites south western corner as shown on the submitted plan C121832-Phase 2 – E3.1. The access gate to be of sufficient size to allow access for management..

Reason to safeguard biodiversity in accordance with the NPPF.

Reptiles

The applicants consultant has advised that a further reptile survey has not been undertaken this year. It is advised however that the Council has sufficient information to conclude that reptiles are not reasonable likely to be present or affected by the proposed development.

Bats

A number of trees present on site have been identified as having potential to support roosting bats. Based on the submitted layout plan it appears feasible for these trees to be retained as part of the development.

An updated assessment of the buildings on site has identified a number of potential features that could be used by roosting bats. However, further detailed surveys have not identified any evidence of roosting bats.

The Ecologist advises that roosting bats are unlikely to be directly affected by the proposed development.

Pond

From the Ecologist's discussions with the applicants it does appear likely that the proposed development would in result in a detrimental effect on the existing drainage of this site resulting in a reduction in the volume of water entering the existing pond which is used by great crested newts.

To address this issue the applicant is proposing that the SUDS scheme for the site discharges into the existing pond. The Ecologist advises that it is normal for the Council to ensure that GCN ponds and ponds associated with SUDS are kept separate to avoid any risk of contamination. However, in this instance it is important to ensure that the existing pond receives sufficient water as part of the proposed development to maintain water levels in the pond.

There are two issues from an ecological perspective here, firstly it must be ensured that the water entering the pond is sufficiently clean to not affect

newts and secondly, it must be ensured that sufficient water enters the pond to ensure the existing water levels in the pond are maintained.

In order to ensure that the water entering the newt pond is of sufficient quality the applicant is proposing that the water from the site discharges into the newt pond at the end of the SUDS 'treatment train'. Therefore water entering the pond would already have been filtered through gravel/reedbeds prior to reaching the pond which should remove any contamination. This has been discussed with one of the Council's Flood Risk Managers and it seems feasible that the SUDS could be designed to maintain the existing flow of water to the newt pond. To ensure the above was taken forward we would however require a detailed design for the SUDS to be submitted prior to the commencement of development.

If planning consent is granted it is recommended that a condition be attached:

The SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels. The SUDS scheme to also ensure that the identified great crested newt pond is incorporated into the SUDS scheme at the end of the treatment train and that water entering the pond is sufficiently clean to maintain the suitability of the pond to support breeding great crested newts.

Reason: to safeguard biodiversity in accordance with the NPPF.

The ecologist's advice is that provided the above is implemented the existing pond should be maintained.

Ecological Enhancement Strategy

In accordance with the outline permission an Ecological Enhancement Strategy has been submitted with the application. To ensure the recommendations of strategy are implemented it is recommended that a condition along the lines of the following be attached in the event that planning permission were to be granted:

The proposed development to proceed in accordance with the recommendations of the submitted Biodiversity Enhancement Strategy prepared by Middlemarch Environment dated February 2016. For avoidance of doubt the seeded areas shown on the submitted landscape plans are to be seeded and managed in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy.

Reason: to safeguard Biodiversity in accordance with the NPPF.

Subject to the suggested ecological additional conditions above those already recommended in the main report, the Council's ecologist is satisfied that favourable conservation status of the Great Crested Newt is maintained by these proposals. On this basis, English Nature will issue a Licence.

REPORT CORRECTIONS

Condition 18 as recommended on page 23 of the Committee report duplicates condition 6. It is therefore recommended that condition 18 is deleted.

RECOMMENDATION

Approve subject to the conditions on pp 22-23, as corrected, and subject to the following additional conditions:

- 1 The proposed development to proceed in accordance with the recommendations of the submitted Biodiversity Enhancement Strategy prepared by Middlemarch Environment dated February 2016. For avoidance of doubt the seeded areas shown on the submitted landscape plans are to be seeded and managed in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy.
- 2 SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels. To be provided prior to commencement of development and implemented as approved
- 3 The proposed development to proceed in accordance with the submitted draft great crested newt mitigation strategy unless varied by a subsequent Natural England license.
4. Prior to commencement of development a scheme for a fence and access gate is to be provided to demarcate the area of Wildflower planting and amenity grassland located in the sites south western corner as shown on the submitted plan C121832-Phase 2 – E3.1. shall be submitted. The access gate to be of sufficient size to allow access for management.