

South Gloucestershire Council

Department for Environment and Community Services
Strategic Planning Policy and Specialist Advice
PO Box 1954
Bristol
BS37 0DD

Memorandum to: David Stockdale

From: Michelle Newman

cc:

Date: 10/06/2021

Your Reference: P21/03344/F

Email: michelle.newman@southglos.gov.uk

RE: P21/03344/F - Land South Of Badminton Road Old Sodbury South Gloucestershire BS37 6LU

Description of Proposal

Erection of 35 no. dwellings with garages and associated works

Ecological Issues

An Ecological Impact Assessment (Grass roots ecology, May 2021) has been submitted.

Designated sites for Nature Conservation (European Sites, SSSI's and local sites (Sites of Nature Conservation Interest or Regionally Important Geological Sites)

The site is not covered by any designated sites, though the River Frome sits west of the site and appropriate mitigation to prevent negative impacts to the river are to be include within the CEMP.

Habitats (including habitats of principle importance (Priority Habitats) Section 41 Natural Environment and Rural Communities (NERC) Act 2006:

- Semi-improved grassland
- Scrub
- Hedgerows

***Species protected under the Conservation of Habitats & Species Regulations 2017
(‘European Protected Species) and Wildlife & Countryside Act 1981 (as amended):***

Bats

No trees were recorded as supporting potential bat roost features, though not all potential features could be seen due to ivy cover, however the boundary will be retained.

There are foraging opportunities on site and within the wider site, it is expected that a sensitive lighting scheme will be required prior to commencement of works.

Great crested newt (GCN)

There is a pond located 145m southwest of the survey area which supports great crested newts and populations are considered to be using the pond located 125m south of the survey area beyond the railway, therefore it was considered that GCN would not be present within the site area, however they cannot be fully ruled out.

The report mentions a pond on the western boundary which was found to be a section of damp ditch on surveys, though it is not clear where this pond is situated as there is a pond on the south-western corner of the site which has previous records of great crested newts.

Further information is required including a plan of all ponds assessed and it is likely that Reasonable Avoidance Measures (RAMs) are required prior to determination due to the local records and the presence of suitable terrestrial habitat if a license is not required.

Species protected under the Wildlife and Countryside Act 1981 (as amended):

Birds

Suitable nesting bird opportunities are present within the hedgerows, scrub and trees and appropriate mitigation and enhancements have been recommended which is welcomed.

Reptiles

Previous surveys (2018) found that reptiles were not present on site, though this report has not been reviewed. Due to the age of the survey a reptile mitigation strategy would be required for site clearance to safeguard reptiles that may have colonised the site since 2018 as there are historical local records for slow worms.

Badgers protected under the Badger Act 1992:

No evidence of badgers were recorded though there is potential for them to use the site and consideration is required during works. There are local records of badger and due to the mobility of them a pre-commencement walkover would be required immediately prior to works commencing.

Species of principle importance (Priority Species) Section 41 Natural Environment and Rural Communities (NERC) Act and Local Biodiversity Action Plan Species:

Hedgehog

Hedgehogs have not been detailed within the report and as a NERC species consideration is required during development and mitigation to allow for dispersal of hedgehogs post-development, this is to be detailed within the CEMP and LEMP, prior to commencement of works.

Invertebrates

The site was not assessed for its potential to support a diverse range of invertebrates, however from the descriptions of the habitats and the local records it is not thought that it would support notable species, however enhancements are to be made to improve the site for invertebrates which is to be included within the LEMP.

National Planning Policy Framework (NPPF) and Local Plan Policy (South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSP) (adopted November 2017)) Context

- NPPF Para 170 – 177 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework
- PSP18 – (Statutory Wildlife Sites: European Sites and Sites of Special Scientific Interest (SSSIs)) - South Gloucestershire Local Plan (PSP Plan)
- PSP19 (Wider Biodiversity) - South Gloucestershire Local Plan (PSP Plan)
- CS9 (Managing the Environment and Heritage) - Core Strategy
- CS2 (Green Infrastructure) - Core Strategy
- PSP3 (Trees and Woodland) - South Gloucestershire Local Plan (PSP Plan)

Conclusion and Recommendations

Further information is required prior to determination:

- There is a pond located 145m southwest of the survey area which supports great crested newts and populations are considered to be using the pond located 125m south of the survey area beyond the railway, therefore it was considered that GCN would not be present within the site area, however they cannot be fully ruled out. The report mentions a pond on the western boundary which was found to be a section of damp ditch on surveys, though it is not clear where this pond is situated as there is a pond on the south-western corner of the site which has previous records of great crested newts. Further information is required including a plan of all ponds assessed and it is likely that Reasonable Avoidance Measures (RAMs) are required prior to determination due to the local records and the presence of suitable terrestrial habitat if a license is not required.

The following conditions should be attached if planning is permitted:

1. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Grass roots ecology, May 2021) (PSP19);
2. Prior to commencement, a “lighting design strategy for biodiversity” for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority (PSP19).

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on birds, great crested newt, reptiles, dormice and badger, as well as any pollution prevention measures. 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.
4. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
5. A pre-commencement check is to be undertaken to confirm absence of badgers immediately prior to works starting. If badger setts are recorded and could be

impacted by the development, details of mitigation are to be submitted to the local authority prior to works commencing.

6. Due to local records of slow worms and the age of the reptile survey, a reptile mitigation strategy is to be submitted prior to commencement of works.

Michelle Newman

Planning Ecologist

South Gloucestershire Council

South Gloucestershire Council

Department for Environment and Community Services
Strategic Planning Policy and Specialist Advice
PO Box 1954
Bristol
BS37 0DD

Memorandum to: David Stockdale

From: Michelle Newman

cc:

Date: 14/01/2022

Your Reference: P21/03344/F

Email: michelle.newman@southglos.gov.uk

RE: P21/03344/F - Land South Of Badminton Road Old Sodbury South Gloucestershire BS37 6LU

Description of Proposal

Erection of 35 no. dwellings with garages and associated works

Ecological Issues

An Ecological Impact Assessment (Grass roots ecology, May 2021) has been submitted.

Designated sites for Nature Conservation (European Sites, SSSI's and local sites (Sites of Nature Conservation Interest or Regionally Important Geological Sites)

The site is not covered by any designated sites, though the River Frome sits west of the site and appropriate mitigation to prevent negative impacts to the river are to be include within the CEMP.

Habitats (including habitats of principle importance (Priority Habitats) Section 41 Natural Environment and Rural Communities (NERC) Act 2006:

- Semi-improved grassland
- Scrub
- Hedgerows

***Species protected under the Conservation of Habitats & Species Regulations 2017
(‘European Protected Species) and Wildlife & Countryside Act 1981 (as amended):***

Bats

No trees were recorded as supporting potential bat roost features, though not all potential features could be seen due to ivy cover, however the boundary will be retained.

There are foraging opportunities on site and within the wider site, it is expected that a sensitive lighting scheme will be required prior to commencement of works.

Great crested newt (GCN)

There is a pond located 145m southwest of the survey area which supports great crested newts and populations are considered to be using the pond located 125m south of the survey area beyond the railway, therefore it was considered that GCN would not be present within the site area, however they cannot be fully ruled out.

The report mentions a pond on the western boundary which was found to be a section of damp ditch on surveys, though it is not clear where this pond is situated as there is a pond on the south-western corner of the site which has previous records of great crested newts.

Further information is required including a plan of all ponds assessed and it is likely that Reasonable Avoidance Measures (RAMs) are required prior to determination due to the local records and the presence of suitable terrestrial habitat if a license is not required.

Species protected under the Wildlife and Countryside Act 1981 (as amended):

Birds

Suitable nesting bird opportunities are present within the hedgerows, scrub and trees and appropriate mitigation and enhancements have been recommended which is welcomed.

Reptiles

Previous surveys (2018) found that reptiles were not present on site, though this report has not been reviewed. Due to the age of the survey a reptile mitigation strategy would be required for site clearance to safeguard reptiles that may have colonised the site since 2018 as there are historical local records for slow worms.

Badgers protected under the Badger Act 1992:

No evidence of badgers were recorded though there is potential for them to use the site and consideration is required during works. There are local records of badger and due to the mobility of them a pre-commencement walkover would be required immediately prior to works commencing.

Species of principle importance (Priority Species) Section 41 Natural Environment and Rural Communities (NERC) Act and Local Biodiversity Action Plan Species:

Hedgehog

Hedgehogs have not been detailed within the report and as a NERC species consideration is required during development and mitigation to allow for dispersal of hedgehogs post-development, this is to be detailed within the CEMP and LEMP, prior to commencement of works.

Invertebrates

The site was not assessed for its potential to support a diverse range of invertebrates, however from the descriptions of the habitats and the local records it is not thought that it would support notable species, however enhancements are to be made to improve the site for invertebrates which is to be included within the LEMP.

National Planning Policy Framework (NPPF) and Local Plan Policy (South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSP) (adopted November 2017)) Context

- NPPF Para 170 – 177 (Conserving and Enhancing the Natural Environment), National Planning Policy Framework
- PSP18 – (Statutory Wildlife Sites: European Sites and Sites of Special Scientific Interest (SSSIs)) - South Gloucestershire Local Plan (PSP Plan)
- PSP19 (Wider Biodiversity) - South Gloucestershire Local Plan (PSP Plan)
- CS9 (Managing the Environment and Heritage) - Core Strategy
- CS2 (Green Infrastructure) - Core Strategy
- PSP3 (Trees and Woodland) - South Gloucestershire Local Plan (PSP Plan)

Conclusion and Recommendations

The pond mentioned on the south-western corner of the site is a damp depression, therefore was not suitable for breeding GCN.

A suitable Reasonable Avoidance Measures report has been submitted and is acceptable.

The following conditions should be attached if planning is permitted:

1. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Grass roots ecology, May 2021) and the Reasonable Avoidance Measures (RAMs) (Grassroots ecology, January 2022) (PSP21);
2. Prior to commencement, a “lighting design strategy for biodiversity” for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting

places or along important routes used to access key areas of their territory, for example, for foraging; and

- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority (PSP21).

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on birds, great crested newt, reptiles, dormice and badger, as well as any pollution prevention measures. 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. (PSP21)
4. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The LEMP shall be written in accordance with BS42020. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. (PSP21)
5. A pre-commencement check is to be undertaken to confirm absence of badgers immediately prior to works starting. If badger setts are recorded and could be impacted by the development, details of mitigation are to be submitted to the local authority prior to works commencing. (PSP21)
6. Due to local records of slow worms and the age of the reptile survey, a reptile mitigation strategy is to be submitted prior to commencement of works. (PSP21)

Michelle Newman

Planning Ecologist

South Gloucestershire Council