

# Consultee Comments for Planning Application 21/02109/FUL

## Application Summary

Application Number: 21/02109/FUL

Address: Southwood Barn Canwell Drive Canwell Sutton Coldfield Staffordshire B75 5SG

Proposal: Change of use of building to form 1 no. dwellinghouse

Case Officer: Sarah Atherton

## Consultee Details

Name: \_ Ecology Manager - LDC

Address: Lichfield District Council, Development Services, Frog Lane Lichfield, Staffordshire WS13 6YZ

Email: Not Available

On Behalf Of: Ecology Team - LDC

## Comments

Application No: 21/02109/FUL

Ecology Team Comments

Date: 30/12/2021

Kristie Charlesworth, Ecology Officer

Thank you for consulting the Ecology Team on the above application for which we have the following comments:

### SUBMITTED PRELIMINARY BAT ROOST ASSESSMENT AND BIRD SURVEY

The Ecology Team are satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment. The Ecology Team concurs with the conclusions of the survey in that evidence shows bats utilise the building.

It can now be considered that the status of the roosts are known and that the presence of protected species (brown long eared bats) and the extent that they may be affected by the proposed development has been established. Satisfactory measures have been recommended (outline mitigation / compensation and method statement) to protect the species identified as well as enhancements.

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its Biodiversity Duty (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

## OBTAIN A BAT MITIGATION LICENCE

A bat mitigation licence is required, therefore a clear case of how the three license tests to destroy a roost will be satisfied as part of the planning application and decision making process. This is to assure the planning authority of the likelihood that any conditioned licence will be granted by Natural England.

The applicant needs to demonstrate three tests in the licence application to a high standard of proof; that the development will:

preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;

And that there is no satisfactory alternative;

and that the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

These are the three tests that will be asked for by Natural England should a legal case be brought as a result of any public inquiry, failure to deliver these by Lichfield District Council as the Planning Authority will result in partial liability resting with the Authority.

According to the information submitted on pages 26-33, the Ecology Team is satisfied these tests have been demonstrated. Adherence by the developer to the submitted method of working (pages 32-33) must become a condition of any future planning approval. Appropriate and substantial mitigation has also been proposed. Adherence by the applicant to all recommendations (pages 27-32) must also be made a condition of any future planning approval:

- To compensate for the loss of a hibernation roost for brown long eared bats, a new roof space/bat loft is required. The Ecology Team recommend that out of the two suggestions, that the animal pen is refurbished to create a dedicated bat house. The timber enclosure is to be replaced with brickwork. The roof will be replaced with a new timber structure with a bituminous underfelt and the existing slate roof extended. Access to the building for bats will be created by installing a lead bat slate into the roof (see pages 28-30 for details).

- A brick built bat box can be installed at the gable apex of southern elevation of the new dwelling (see page 32 for chosen location by licence professional).

A bat mitigation licence should now be sought from Natural England and submitted to the Local Authority, prior to any planning permission being granted.

## PROXIMITY TO LOCAL WILDLIFE SITE - DEVELOPMENT CONTAINMENT

The surrounding area of this property has significant biodiversity value and offers suitable habitat for wildlife to inhabit, forage, and commute. The development site lies on the border of local wildlife site Canwell Hall Estate designated a Site of Biological Importance (SBI). In order to limit the impact to any habitats or wildlife, this development should be contained as much as possible

without causing any disturbance or damage to any nearby vegetation or trees.

A site plan should be submitted which; details how vehicle movements will be restricted, and designates suitable areas for contractor parking and a contractor compound where materials, fuels and chemicals will be kept and stored. This should be on hard-standing and away from trees, hedgerow and vegetation where possible.

#### METHOD OF WORKING

It is important that this development, during both its construction and operational phases, does not encroach on the designated SBI. Therefore, a Method of Working should be submitted which contains the following detail:

- Reasonable Avoidance Measures (RAMS) for mammals and wildlife who could be commuting through and foraging on site and may inhabit the SBI.
- Detail on how the development and construction will be contained, designating a contractors compound and parking area, as requested above.
- Guarantee from the applicant that if granted planning permission, the development will not encroach on the SBI once it is in its operational phase and inhabited as a dwellinghouse.
- Awareness of bird nesting season due to the woodland and vegetation in very close proximity, see detail below.
- Biodiversity Net Gain enhancements should also be included, see detail below.

#### FURTHER INFORMATION ON PLUMBING

The Ecology Team request further information on how the dwellinghouse will be plumbed; whether it will connect to the mains sewers, or have its own septic tank, or sealed unit for example. Full information will be necessary prior to any planning decision being made.

#### BIRD NESTING SEASON

Awareness is needed of bird nesting season, (March-September inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. This is in specific reference to; Canwell Hall Estate (SBI) woodland, which works would cause disturbance to.

If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds are found, all work that may cause impact or disturbance must cease until the young have naturally fledged.

All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 and it is thus an offence, with certain exceptions to: Intentionally kill, injure or take any wild bird. Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

#### BIODIVERSITY NET GAIN ENHANCEMENTS

Under policy NR3 of the adopted Lichfield District Council Local Plan, a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of onsite habitat improvement works or the creation/planting of new habitats or features i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation, bird boxes, bat boxes etc.

In respect of landscaping proposals and new mixed planting, species chosen should be of local and native provenance, suit the habitat, and if possible encourage pollinators.

Once incorporated into the development scheme such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of the National Planning Policy Framework 2019.

In addition to the Ecology Teams comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application.