

ECOLOGICAL ASSESSMENT:

BRIDGE HOUSE 106 HIGH STREET CHOBHAM GU24 8LZ

Client: Mitchell Evans

Our reference: ECO3365

Report date: 30 November 2023

Author: Cherry Leung BSc (Hons) MSc

Checked by: Giles Sutton MSc MCIEEM CEnv

Report issued in electronic format only



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1.0 Introduction

Survey and reporting

- 1.1 This report details the results of an Ecological Assessment of land at 106 High Street, Chobham, GU24 8LZ.
- 1.2 The survey, carried out on 31 October 2023, was undertaken to inform a retrospective planning application to construct some garden decking.

Application site

- 1.3 The application site is located adjacent to The Mill Bourne (a river) at the northern end of High Street in Chobham village, Surrey. (National Grid Reference SU97456204, Figure 1).
- 1.4 It comprises part of the curtilage of a single-storey office building.
- 1.5 The total area of the works area is approximately 30 square metres.

Details of works

- 1.6 A new raised decking area has been built within the garden adjacent to the Mill Borne river. The decking was built over the summer of 2023. It is our understanding that the applicant has been informed that planning permission is required.
- 1.7 Five trees were removed prior to the construction of the decking, these were 3 small ash, a multi stem silver birch and a self set silver birch. Permission was sought from, and given by, the council to remove these trees (as the trees are within a Conservation Area) – see appendix 3 for a copy of the application forms.
- 1.8 Furthermore, the Japanese knotweed that had been on the site was treated by Japanese Knotweed Specialists [Part of Grounds Care Group] between 2017 and 2023 (see appendix 4).
- 1.9 The Mill Bourne was cleared of fly tipped waste (including a fridge) before the decking was built.
- 1.10 Figure 2 shows the proposed site plan.

Figure 1 – Site location Plan

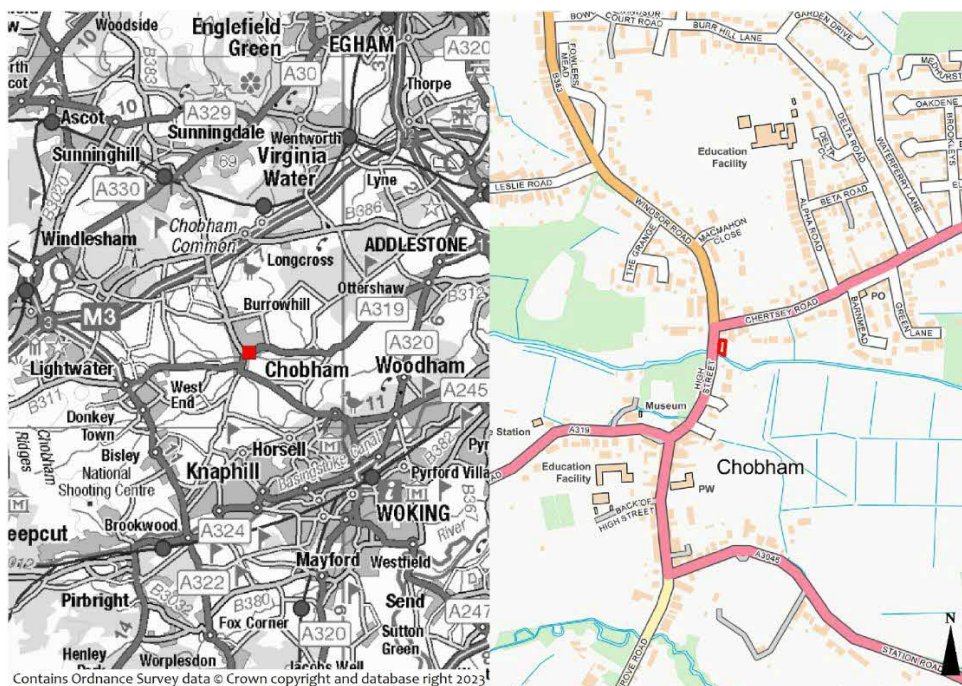
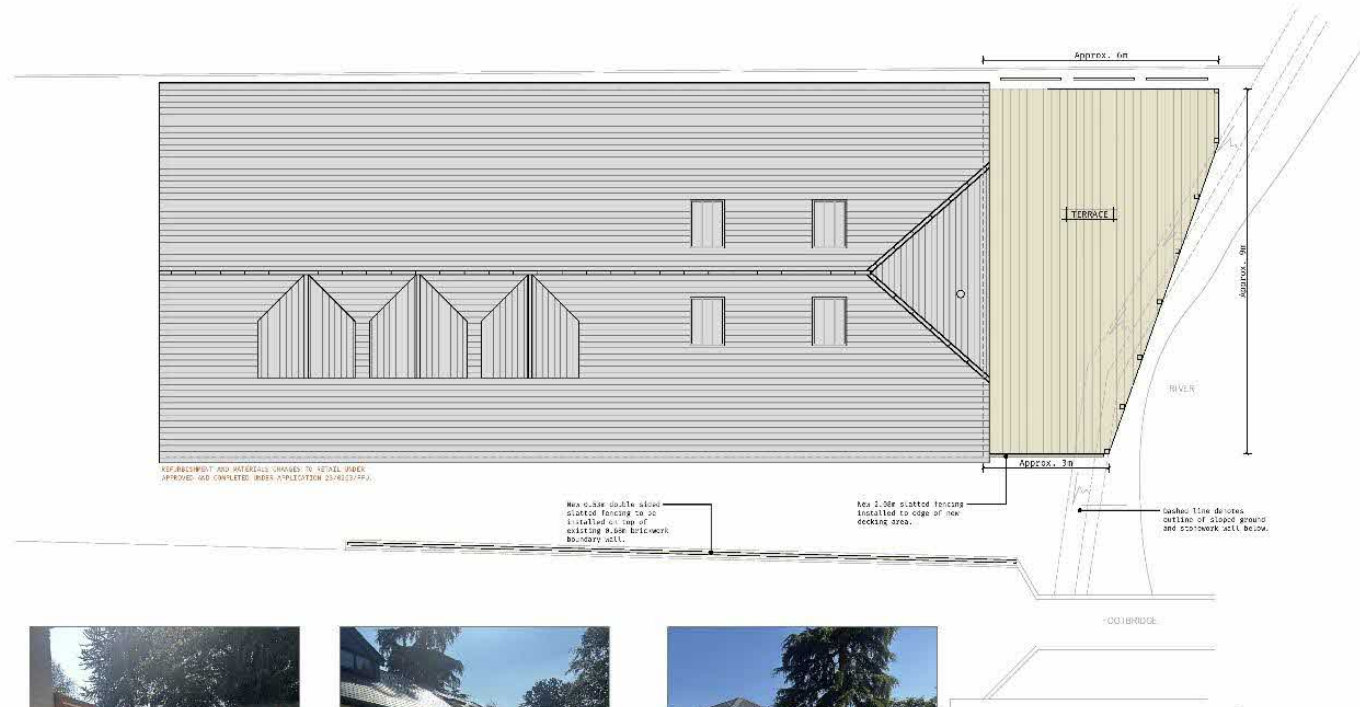


Figure 2 – Proposed site plan



Photograph 1
Installed 2.0m slatted fence to side of terrace.



Photograph 2
Installed 0.5m fencing on existing boundary wall.



Photograph 3
Viewing of decked terrace from public foot bridge.

 SCALE BAR 1:100		Rev. Date: Revision Comment By:	Site Plan As Proposed	Motive Agency Chobham, Surrey GU24 8LZ	106 High Street	22-2001 041	Mitchell Evans 98 / Meadow Godalming GU7 3NY 01483 433 453	
		Drawn by: SC Checked by: // Scales: 1:100 @ A3						

2.0 Methodology

Desk study

- 2.1 A desk study data search was undertaken. This involved reviewing publicly available datasets and citations of statutory designated sites of importance for nature conservation, Natural England's Priority Habitat Inventory GIS dataset for England, and Natural England's Ancient Woodland Inventory for sites within the zone of influence of the survey area (considered to be a maximum of 1km in this case).
- 2.2 In addition, species records (on Natural England's MAGIC website¹) were accessed, and aerial photographs and Ordnance Survey maps were studied for features of interest.

Extended Phase 1 Habitat and Protected Species Scoping Survey

- 2.3 An Extended Phase 1 Habitat and Protected Species Scoping Survey was undertaken. This comprised a walkover survey of the application site and the classification of habitats following the descriptions provided within the Joint Nature Conservancy Council 'Handbook for Phase 1 Habitat Survey' (NCC 1990, JNCC 1993). An assessment of the site in terms of its suitability for notable or protected species was carried out and any features of note were described.

Surveyor details

- 2.4 The survey was undertaken by Giles Sutton CEnv MCIEEM of GS Ecology Ltd. Giles holds a Natural England WML A34 Level 2 bat survey licence, is registered to use Natural England's Bat Mitigation Class Licence WML-CL21 (Bat Low Impact), is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and is a Chartered Environmentalist with more than 20 years' experience as professional ecologist.

¹ <https://magic.defra.gov.uk/>

3.0 Results

Constraints

- 3.1 There were no constraints to the survey.

Weather conditions

- 3.2 Weather conditions during the survey were 18°C, 7/8ths cloud cover, wind at Beaufort Scale 0, with no rain.

Desk study

Statutory sites of importance for nature conservation and ancient woodland

- 3.3 There are no statutory designated nature conservation sites within 1km of the application site.
- 3.4 However, within 1km there is a single area of woodland listed on Natural England's Ancient Woodland Inventory, located approximately 590m to the southeast.

Protected and notable species records

- 3.5 Within 2km of the site there are seven records of licences issued by Natural England for works affecting protected species on The MAGIC website. These records are summarised in Table 1 below.

Table 1 - Summary of Natural England licence records within 2km of the application site

Location (in respect to application site)	Species affected	Breeding site	Year licence was issued
0.5km Northwest	Common pipistrelle	No	2013
0.5km Northwest	Common pipistrelle	No	2014
0.7km Southeast	Brown long-eared, common pipistrelle, soprano pipistrelle	Yes	2010
0.7km Southeast	Great crested newt	No	2017
1km Northwest	Brown long-eared	No	2012
1km West	Brown long-eared, common pipistrelle	No	2017
1.4km Southeast	Brown long-eared, common pipistrelle	No	2018

Nearby ponds

- 3.6 There is a single pond (approximately 220m northwest) shown on ordnance survey maps within 250m of the application site.

Habitats surrounding the application site

- 3.7 106 High Street is located at the northern end of Chobham High Street, a busy main road in Surrey. It is directly adjacent to the Mill Bourne a small river which is approximately 5m deep wide and 30cm deep at this location. The river has steep artificial banks on the northern side with more semi-natural banks to the south.
- 3.8 The river runs through the gardens of the properties along the A319 Chertsey Road and the Chobham High Street to the east, and the garden of Chobham House to the west.

Habitats within the application site

- 3.9 The application site comprises part of the garden adjacent to the river. The decking has been built above the stone bank, and other than the 5 young trees that were removed and the removal of Japanese knotweed, the vegetation remains the same.

4.0 Assessment and recommendations

Statutory sites of importance for nature conservation and Ancient Woodland

- 4.1 There are no statutory designated nature conservation sites within 1km of the application site. However, there is a single area of woodland listed on Natural England's Ancient Woodland Inventory (AWI), located approximately 590m to the south east.
- 4.2 As there is no identified ecological link between the application site and this area of woodland, it is considered highly unlikely that there will be any adverse impact of the woodland as a result of the proposals.

Habitats

- 4.3 The Secretary of State periodically publishes a list of habitats that are of principal importance for the conservation of biodiversity in England under Section 41 (S41) of the 2006 Natural Environment and Rural Communities (NERC) Act. The list currently comprises 56 habitats, referred to as "priority habitats" in the National Planning Policy Framework (NPPF). Paragraph 174 of the NPPF states that:

"To protect and enhance biodiversity and geodiversity, plans should [...] promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity"

- 4.4 As such where priority habitats are found they should be protected from the adverse impacts of development.
- 4.5 The Mill Bourne is a priority habitat (Rivers Priority Habitat Type -see Appendix 7). However, the covering of a small section of the adjacent bank with decking has had no adverse impact upon the river for the reasons detailed below:

There is no additional shading of the river as a result of the decking

The land use has remained the same (i.e. it was a garden before development and is still after development)

The loss of the five small trees is not significant and was undertaken under the auspices of consent from the council

The proposals will not have any adverse impact on protected species (see below)

Some security lighting has been installed, this is we understand operated on a PIR sensor and as such is unlikely to illuminate the river for long periods. There was, some decorative Halloween lights at the time of our visit, these have (we understand) since been removed.

- 4.6 As such it is considered that the proposals comply with the above referenced planning policy.

Nesting birds

- 4.7 All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). Section 1 of this Act makes it an offence to kill, injure or take any wild bird, or intentionally to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- 4.8 The trees may have been used by nesting birds. However the tree surgeon would have easily been able to check the 5 small trees and it is therefore assumed no bird nests destroyed or disturbed.

Bats

- 4.9 All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), deliberately or recklessly to destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).
- 4.10 In addition, many bat species are “priority species” as defined in the NPPF. Paragraph 179 of the NPPF states that:
- “To protect and enhance biodiversity and geodiversity, plans should [...] promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”
- 4.11 As such where priority species are found they should be protected from the adverse impacts of development
- 4.12 The trees that were removed do not appear, from photos, to have features suitable for use by roosting bats.

Lighting

- 4.13 Artificial light pollution can have a significant and adverse impact upon bats and other wildlife and is thorough to be one of the reasons behind the recent decline in invertebrate abundance.
- 4.14 The application site is located adjacent to the Mill Bourne which is likely to be of importance for bats and other wildlife.
- 4.15 Paragraph 185 of the NPPF reads:
- “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- [...]
- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
- 4.16 A single security light has been installed. This is, we understand, operated on a PIR sensor and as such is unlikely to illuminate the river for long periods of time. There was, some decorative Halloween lights at the time of our visit, these have (we understand) since been removed.

Recommendations

- 4.17 Although the proposals are very unlikely to have had any adverse impact on protected species or the Mill Bourne river the following recommendations are made to enhance the site and the river for wildlife (see Figure 3):
- (1) Install a new planter with native flowering species on the new decking to provide a food source for invertebrates.

- (2) Plant a native climber, such as ivy, honeysuckle or clematis, so that it grows up the end wall. This will provide a food source for invertebrates and nesting sites for birds.
- (3) Install a bat box on the end wall. This should be made from a durable material such as 'woodstone' so that it persists indefinitely (see <https://www.nhbs.com/beaumaris-woodstone-bat-box> for an example box)
- (4) Remove the non-native grasses that have been planted at the end of the path to the river and replace them with a native shrub such as dogwood (*Cornus sanguinea*).
- (5) Monitor the site for Japanese knotweed and have it treated by a specialist contractor if it is found to be growing.

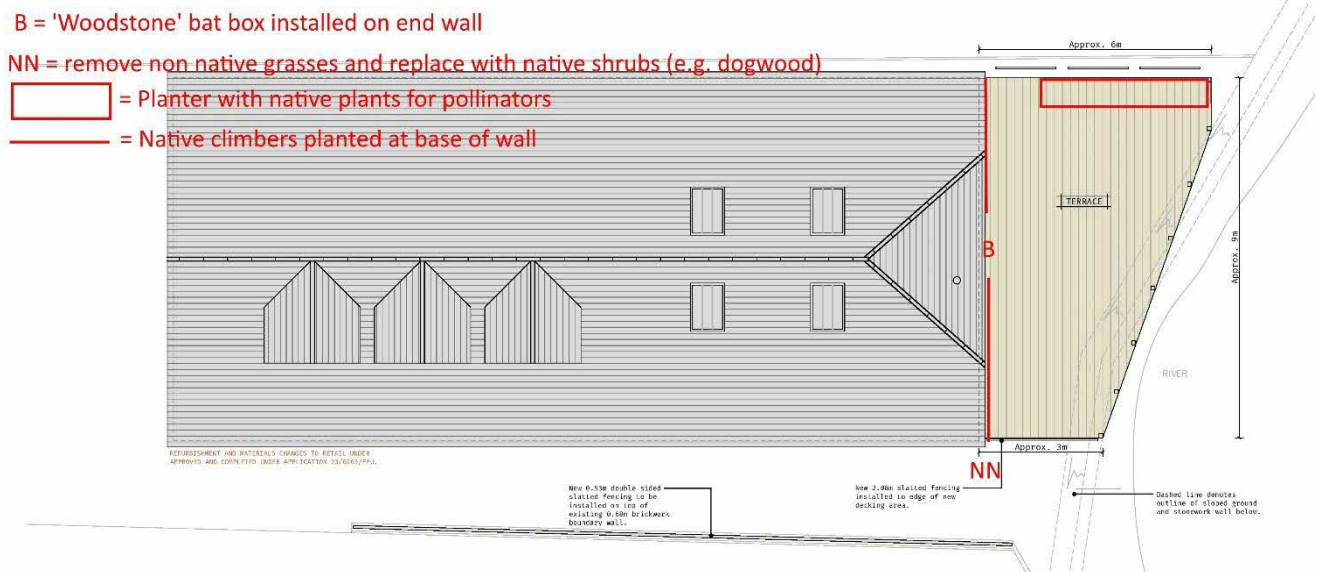
4.18 This would be in accordance with Paragraph 180 of the NPPF which reads:

“When determining planning applications, local planning authorities should apply the following principles:

[...]

development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

Figure 3 – Proposed enhancements



5.0 Summary

- 5.1 106 High Street is located at the northern end of Chobham High Street, a busy road in Surrey. It is directly adjacent to the Mill Bourne a small river that runs through the town.
- 5.2 A new raised decking area has been built within the garden adjacent to the Mill Borne river. The decking was built over the summer of 2023.
- 5.3 Construction of the decking and its ongoing use is unlikely to have had (or have) any adverse impact on protected species, priority habitats (including the Mill Bourne) or site of importance for nature conservation.
- 5.4 Although the proposals are very unlikely to have had any adverse impact on protected species or the Mill Bourne river the following recommendations have been made to enhance the site and the river for wildlife

Appendix 1 - Photographs

Photos 1 and 2 – The new decking



Photos 3 and 4 – The adjacent Mill Bourne river



Photo 5 – The desking viewed from the south showing the non-native grasses (red rectangle) that should be removed



Appendix 2 – Historical photos (provided by applicant)



Appendix 3 – Tree removal constraints (provided by applicant)



If you would rather make this application online, you can do so on our website:
<https://www.planningportal.co.uk/apply>

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area. Town and Country Planning Act 1990

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 Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.
 Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Local Planning Authority details:



Surrey Heath Borough Council
 Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD
 Telephone: 01276 707100
 Website: www.surreyheath.gov.uk
 Email: development.control@surreyheath.gov.uk

Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

1. Applicant Name and Address		2. Agent Name and Address	
Title:	MR First name: ROBERT	Title:	MR First name: ROBERT
Last name:	STRAVER	Last name:	STRAVER
Company (optional):	SOIL & ROCK	Company (optional):	SOIL & ROCK
Unit:	House number: House suffix:	Unit:	House number: House suffix:
House name:	WYCHWOOD	House name:	WYCHWOOD
Address 1:	SPRINGFIELD ROAD	Address 1:	SPRINGFIELD ROAD
Address 2:		Address 2:	
Address 3:		Address 3:	
Town:	CAMBERLEY	Town:	CAMBERLEY
County:	SURREY	County:	SURREY
Country:	U.K.	Country:	U.K.
Postcode:	GU15 1AB	Postcode:	GU15 1AB

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3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

LOCATED TO THE SOUTH OF THE BUILDING, BETWEEN THE BUILDING & THE STREAM.

4. Trees Ownership

Is the applicant the owner of the tree(s): Yes No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers Extension



5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? Yes No

Are you wishing to carry out works to tree(s) in a conservation area? Yes No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

THE OFFICE HAS BEEN PURCHASED AFTER A NUMBER OF YEARS NEGLECT. WE WOULD LIKE TO REMOVE ANY TREES WHICH ARE SELF SEEDS TO GROUND LEVEL TO ENHANCE THE LANDSCAPE CREATING A NEW TERRACE AREA WITH PLANTING.

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7. Identification Of Tree(s) And Description Of Works continued ...

T1 - ASH AGAINST FENCELINE - REMOVE
T2 - SILVER BIRCH MULTI STEM - REMOVE
T3 - SILVER BIRCH - REMOVE
T4 - ASH - REMOVE
T5 - ASH - REMOVE
PLEASE SEE DRAWING ATTACHED .

8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: Yes No
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. Yes No
If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? Yes No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

1. EXISTING BLOCK PLAN & LOCATION
2. TREE LOCATION DRAWING
3. IMAGES.

9. Authority Employee / Member

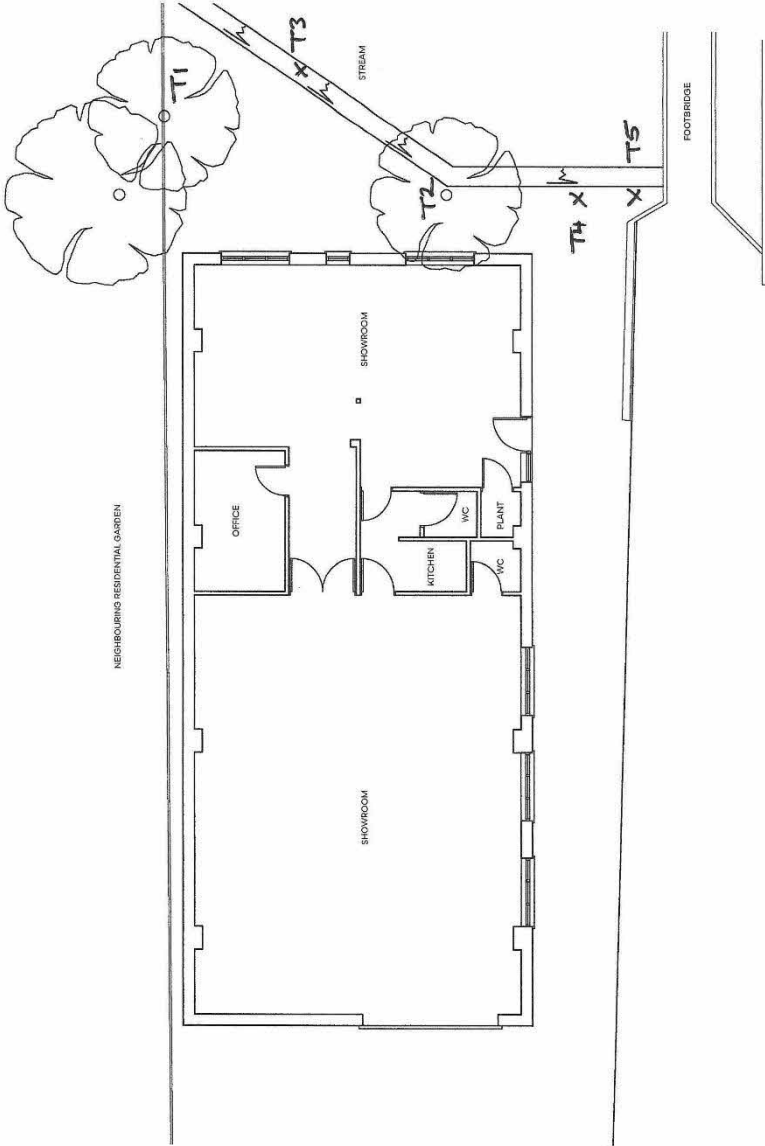
It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "relating to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? Yes No With respect to the authority, I am:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.



NEIGHBOURS' RESIDENTIAL GARDEN



◇ GROUND FLOOR PLAN @ 100

106 HIGH ST
 CHORHAM
 SURREY
 GU24 8LZ

MARCH 2020
 1:100 @ A3
 16-106HSC-P-01
 EXISTING GROUND FLOOR PLAN

SCALE
 1. This plan is a simplified drawing. It should not be used for construction or other purposes without the approval of the architect.
 2. The architect is not responsible for any errors or omissions in this plan.
 3. The architect is not responsible for any errors or omissions in this plan.
 4. The architect is not responsible for any errors or omissions in this plan.
 5. The architect is not responsible for any errors or omissions in this plan.
 6. The architect is not responsible for any errors or omissions in this plan.
 7. The architect is not responsible for any errors or omissions in this plan.

REF	DESCRIPTION	DATE	BY

10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

For all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

For works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
 - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
 - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
 - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that to the best of my/our knowledge the facts stated are true and accurate and any opinions given are the

Or signed - Agent:

02/03/2023

(This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers

13. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner. (Please see guidance notes)

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Appendix 4 – Japanese knotweed treatment record (provided by applicant)

[Redacted]

From: Alex Blomfield [Redacted]
Sent: 01 November 2023 11:26
To: Sam Cansell
Subject: FW: Re:[## 34264 ##] 106 High Street, Chobham



Alex Blomfield
Director



Motive Agency, Bridge House, 106 High St, Chobham, Woking, GU24 8LZ

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From: Alanah Critoph [Redacted]
Sent: 03 November 2023 11:26
To: Melissa Welstead [Redacted]
Subject: Re:[## 34264 ##] 106 High Street, Chobham

Hi Melissa,

Of course - I can confirm our schedule of visits was/is as follows:

- 19/07/2017 - treatment visit year 1 visit 1
- 06/10/2017 - treatment visit year 1 visit 2
- 08/10/2018 - treatment visit year 2
- 01/10/2019 - treatment visit year 3
- 21/07/2020 - treatment visit year 4
- 16/09/2021 - new treatment area added to plan (original plan also extended)
- 20/10/2021 - treatment visit year 5
- 07/07/2022 - treatment visit year 6
- 08/03/2023 – Final treatment

Please let me know if you require any further information.

Kind regards,

Alanah Critoph

After Sales Executive

Japanese Knotweed Specialists

Part of Grounds Care Group

www.japaneseknotweedspecialists.com

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Grounds Care Group, UK Gritting & Japanese Knotweed Specialists are trading names of The Grounds Care Group (UK) Ltd

The Grounds Care Group (UK) Ltd, 70-72 Nottingham Road, Nottinghamshire, NG18 1BN

Company Reg Number: 06751143

VAT Number: 224170738

----- On Wed, 2 Nov 2022 11:44:14 +0000 "Melissa Welsted" [REDACTED] wrote -----

Hi Alanah

Thanks for your email.

Is it possible to have a schedule of treatment / visits that have happened so far. Just so we can share that with the purchaser.

Thanks

Melissa

From: Alanah Critoph [REDACTED]
Sent: 01 November 2022 16:07
To: Melissa Welsted <[REDACTED]>
Cc: [REDACTED]
Subject: Re: [REDACTED] 106 High Street, Chobham

Hi Melissa,

Thank you for your email.

I can confirm this treatment plan is still in the monitoring stage - once we have had 2 years of visits that show no new JKW growth we will issue completion documents. Following this, your guarantee will be activated.

In order to complete a plan/guarantee transfer into a new buyers name we require

- 1) Proof of ownership (i.e.. Solicitors completion letter/land registry document)
- 2) A fee of £299 + VAT
- 3) An up to date phone number/email address for the property

Kind regards,

Alanah Critoph

2

After Sales Executive

Japanese Knotweed Specialists

Part of Grounds Care Group

www.japaneseknotweedspecialists.com

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The Grounds Care Group (UK) Ltd, 70-72 Nottingham Road, Nottinghamshire, NG18 1BN.

Company Reg Number: 06751143

VAT Number: 224170738

Appendix 5 – Legislation and planning policy

Planning Authorities have a legal duty to consider biodiversity when assessing planning applications. Where there is a reasonable likelihood that a planning application might affect important protected sites, species or habitats, information on the species, habitat or site likely to be affected, together with an assessment of the impacts of the proposals, will almost certainly be required.

The legal duty for Planning Authorities to have regard to the conservation of biodiversity was introduced in the 2006 Natural Environment and Rural Communities Act (The NERC Act). This act clarified existing commitments with regard to biodiversity, raised the profile of biodiversity and aimed to make the consideration of biodiversity a natural and integral part of policy and decision making.

In addition to the NERC Act there is also national and international biodiversity legislation. This includes legislation in relation to protected species and sites which operates outside of the planning system. Local Authorities and developers have a duty to comply with this legislation.

National planning policy

Paragraph 99 of the Government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System (this document has not been revoked by the recently published National Planning Policy Framework) states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.’

As such, in line with national planning policy, most planning authorities will ask for this information to be provided before a planning decision is made and in many cases before it is registered.

Local planning policy

In addition to national planning policy, most councils have planning policies to protect biodiversity, and to enhance it where practicable within and adjacent to development sites.

European protected species

The United Kingdom hosts a number of European Protected Species (EPS) of animals (table 1) and plants (table 2). These species receive special protection under UK law and it is an offence under the Wildlife and Countryside Act 1981 (as amended) and the European Habitats and Species Directive (92/43/EC), enacted in the UK through The Conservation of Habitats and Species Regulations 2017, to deliberately or recklessly destroy or damage their habitat, or to disturb, kill or injure the species without first having obtained the relevant licence from Natural England.

Planning Authorities have a statutory duty under these regulations to have regard to the requirements of the Habitats Directive and need to be satisfied that the development is likely to receive a licence from Natural England, and therefore comply with the Habitats Directive, before granting planning permission.

Table 1 – European Protected Species of Animal found in the UK

Common name	Scientific name
Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae
Butterfly, Large Blue	Maculinea arion
Cat, Wild	Felis silvestris
Dolphins, porpoises and whales (all species)	Cetacea
Dormouse	Muscardinus avellanarius
Frog, Pool	Rana lessonae
Lizard, Sand	Lacerta agilis
Moth, Fisher’s Estuarine	Gortyna borelii lunata
Newt, Great Crested (or Warty)	Triturus cristatus
Otter, Common	Lutra lutra
Snail, Lesser Whirlpool Ram’s-horn	Anisus vorticulus
Snake, Smooth	Coronella austriaca
Sturgeon	Acipenser sturio
Toad, Natterjack	Bufo calamita
Turtles, Marine	Caretta caretta
	Chelonia mydas
	Lepidochelys kempii
	Eretmochelys imbricata
	Dermochelys coriacea

Table 2 – European Protected Species of Plant found in the UK

Common name	Scientific name
Dock, Shore	Rumex rupestris
Fern, Killarney	Trichomanes speciosum
Gentian, Early	Gentianella anglica
Lady’s-slipper	Cypripedium calceolus
Marshwort, Creeping	Apium repens
Naiad, Slender	Najas flexilis
Orchid, Fen	Liparis loeselii
Plantain, Floating-leaved water	Luronium natans
Saxifrage, Yellow Marsh	Saxifraga hirculus

Nationally protected species

Many species of animal are protected under the 1981 Wildlife and Countryside Act (as amended). ‘Full protection’ applies to EPS and some non EPS species such as the water vole. This prohibits the intentional killing, injuring or taking (capture. etc); possession; intentional disturbance whilst occupying a ‘place used for shelter or protection’ and destruction of these places; sale, barter, exchange, transporting for sale and advertising to sell or to buy. Many species, such as common species of reptile and amphibian, are protected from intentional killing and injuring and trading.

Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Section 1 of this Act makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

In addition, bird species listed under Schedule 1 of the Act receive extra protection. The Act states that ‘it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird’.

In practice this means that in areas where birds are likely to be nesting works should not be undertaken during the nesting season, which is generally considered to be March to September, although this very much depends on weather conditions, habitats and the species involved. If works cannot be avoided then areas should first be checked for nesting birds. Habitats likely to host nesting birds include trees, hedgerows and dense scrub, buildings, reedbeds and riverine habitats and open areas with tussocky vegetation.

Appendix 6 – Bat ecology and conservation status

Background

Bats are the only true flying mammals and belong to their own taxonomic group, the Chiroptera. Worldwide there are almost 1,000 species, with 16 in the UK. All species in the UK are insectivorous. They have a highly sophisticated echolocation system that allows them to avoid obstacles and catch invertebrates, either in flight or by picking them off water, the ground or foliage.

Bat species in the UK

There are 16 species of bat that are known to exist in the UK mainland, with a further two - the greater mouse eared bat *Myotis myotis*, and the parti-coloured bat *Vespertilio murinus* - that are thought to occur as rare migrants or to have small populations in the UK. Bats in the UK belong to one of two taxonomic families, the Rhinolophidae (horseshoe bats) and the Vespertilionidae (all other UK bats).

Bat Conservation Status

Bat populations have undergone a significant decline in the past sixty years. For example, estimates from the National Bat Colony Survey suggest that the UK pipistrelle population (one of our commonest bat species), declined by approximately 70% between 1978 and 1993. Factors contributing to this decline include:

- Loss of, and damage to, roosting sites, including buildings, trees, and underground structures (mines, tunnels, ice-houses, cellars, etc).

- Loss and fragmentation of suitable insect-rich feeding habitats such as wetlands and deciduous woodland.

- Reduction in the abundance and diversity of insect prey due to intensive agriculture, particularly over-grazing and the use of pesticides.

- Loss of linear features such as tree-lines and hedgerows, depriving bats of commuting routes between roosts and feeding areas.

- Loss of winter roosting sites in buildings and old trees.

- Disturbance and destruction of roosts, including the loss of maternity roosts due to the use of toxic timber treatment chemicals.

Roosts

Bats use a variety of roosts of different types including trees, buildings, caves, mines and other structures. Most species are colonial and roost in groups. This can make populations particularly vulnerable to loss of roosts as the loss of a single roost may affect the whole population. Some species hang in obvious locations, such as the timbers near to the apex of a roof, others roost in cracks and crevices, such as the gaps under tiles, and as such can be very difficult to locate.

During the winter (November to February), when there is a reduction in insect numbers, bats hibernate to conserve energy. They prefer sites with a constant low temperature and a high relative humidity. On mild winter's nights, bats may wake up and feed. However, bats are particularly vulnerable to disturbance at this time of year, as flying in winter uses up large quantities of energy that cannot easily be replaced.

In the spring, after emerging from hibernation, bats often move from site to site and may congregate in small groups. Female bats gather together in the summer (approximately May to August dependant on

species) in maternity roosts. Once the young have stopped suckling, and the baby is independent, bats tend to disperse and use other roosts. Maternity roosts are particularly vulnerable to disturbance, as bats may have come from a wide geographical area, and have a strong tradition of returning to the same roost year after year.

During the late summer and early autumn males occupy mating roosts which are visited by several females. After mating some species gather together at swarming sites to fatten up prior to hibernation.

Habitat associations

In addition to roosts, bats also need foraging habitats to find suitable food resources, and commuting routes to get to these areas. As would be expected, the highest numbers of bats are found in areas with abundant invertebrates. Some species specialise in catching small invertebrates in flight, whilst others specialise in catching larger invertebrates such as moths and beetles. The distances that bats travel to foraging areas varies between species; records have shown some greater horseshoe bats travel up to 22km to forage, although many species will typically feed within 1km of a roost.

Bats, especially the smaller species, tend to follow linear features (such as hedgerows and tree lines) to their foraging habitats and will often not cross open spaces. A gap of 10m in a linear feature will often not be crossed by bats, and it is important that developments do not create such gaps if linear features are used by bats.

Appendix 7 – Priority Habitat Description for River

Rivers (updated December 2011)

Contents

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[Description](#)

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[Rivers with *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation](#)

[Chalk Rivers](#)

[Active Shingle Rivers](#)

[References](#)

[Annex 1: list of qualifying species](#)

Correspondence with existing habitat/s

- UK BAP broad habitat: Rivers and streams
- Phase 1: G2 Running water
- NVC: Various, including A2, A8-9, A11-20, S4-9, S11-14, S16-19, S22 and others
- Annex I: H3260 Water courses of plain to montane levels with the *Ranunculon fluitantis* and *Callitricho-Batrachion* vegetation
- JNCC river types: I-X

Description

This habitat type includes a very wide range of types, encompassing all natural and near-natural running waters in the UK (i.e. with features and processes that resemble those in 'natural' systems). These range from torrential mountain streams to meandering lowland rivers.

Numerous factors influence the ecological characteristics of a watercourse, for example geology, topography, substrate, gradient, flow rate, altitude, channel profile, climate, catchment features (soil, land use, vegetation, etc.). Human activities add to this complexity. In addition most river systems change greatly in character as they flow from source to sea or lake. Although various classifications and typologies for rivers exist, none is considered adequate for identifying a discrete but comprehensive series of specific priority types against the criteria. Consequently a broad 'rivers' priority habitat has been adopted by the UK BAP, which includes the existing priority habitat, chalk rivers. Work to refine the criteria to identify the priority habitat was carried out by a partnership group, including representatives from the conservation and environment agencies, and Buglife, which proposed the following criteria. These were agreed by the UK BAP Biodiversity Reporting and Information Group (BRIG) on 19 July 2010.

Appendix 8 - About GS Ecology

Established in 2009, GS Ecology is an independent ecological consultancy in Berkshire. We carry-out surveys and ecological consultancy services for public and private sector clients including in Berkshire, Oxfordshire and Hampshire, London and the south of England. We can advise you on cost effective sustainable solutions for your project, whether it be a bat survey to inform a planning application, the ecology chapter of an Environmental Statement or a Woodland Management Plan.

Our work is undertaken by experienced and qualified ecologists, who are members of the Chartered Institute of Ecology and Environmental Managers. Our services include:

Ecology surveying and reporting to inform planning applications, e.g.

Preliminary Ecological Appraisal

Extended Phase 1 Habitat Survey

Protected species surveys, e.g. badgers, dormouse, great crested newts

Bat surveys in Oxfordshire, Berkshire, Hampshire, London and Southern England

BREEAM ecology assessments – to demonstrate the sustainability of a new building

Protected species licensing such as bat and great crested newt licences for development sites after planning permission has been obtained

Providing advice to land managers and writing ecological management plans, such as woodland management plans and farm environmental plans for England woodland Grant Scheme and Environmental Stewardship applications

Providing ecology advice to Local Authorities and Local Planning Authorities