

## **19/00018/OUT – Land at Upper Cufaude Farm, Cufaude Lane, Bramley**

Dear Sue

Please find below comments of Biodiversity Team:

Comments relate to following drawing/document no(s):

- Ecosulis' Updated Preliminary Ecological Appraisal Issue 6 dated 3<sup>rd</sup> May 2019
- Ecosulis' Phase 2 Ecological Surveys Issue 6 dated 3<sup>rd</sup> May 2019
- Ecosulis' Great Crested Newt Population Monitoring Survey Issue 2 dated 26<sup>th</sup> Nov 2018
- Illustrative Master Plan Rev J
- Aspect Ecology's Outline Ecological Enhancement & Management Strategy dated May 2019
- Aspect Ecology's Toad Mitigation Option Study and Proposed Strategy dated May 2019
- Upper Cufaude Farm Development Brief SPD Public Consultation Version dated Nov 2018

Further detail is given below on the areas of concern I have regarding the biodiversity impacts of the above scheme and what further information is still required to be enabled the LPA to determine if the development can meet policy EM4:

### Badgers

Evidence of badgers on site have been found in the form of dung pits and mammal paths across the site (Section 5.2 of Updated Ecological Appraisal and section 3.4 of Phase 2 Ecological Surveys). Parts of the same reports erroneously state (Section 4.7 of the Phase 2 Ecological Survey report and Section 3.2.3 of the Outline Ecological Enhancement & Management Strategy) 'no evidence of badgers was recorded on site'. A potential badger sett was also identified.

Confirmation is required if the potential badger sett on site is an active sett or not since if it is a confirmed sett then it will need to be closed via a Natural England licence (Section 5.2 of Updated Ecological Appraisal). If it needs to be closed then details will be required on how this closure will be compensated. Similarly it is confirmed badgers are using mammal paths across the site for presumably commuting and foraging but no mention is given to the implications of them not being able to use such areas in the future. No detail is given on the level of use, where they are likely to be moving from/to or if the outlined wildlife area will sufficiently compensate for the current loss in this foraging habitat.

### Dormice

Dormice are known to use the central hedgerow through the site. As highlighted before this is an important species protected by strict legislation. As a result

robust measures will need to be provided in order to ensure the species is not only retained on site (if this is the aim) but the population is enhanced and expanded. As a result I do not feel 5 metre buffers of the central hedgerow habitat goes far enough. A larger, more ambitious habitat enhancement scheme is required providing 10 metre buffers either side of this important habitat with enhancements specifically aimed at retaining and providing additional habitat for this species which will need to include measures to help prevent against the indirect impacts on the species from domestic pets. The aim of this should be to retain the species and expand its range through the site and beyond the site boundaries. The current Illustrated Master Plan does not particularly reflect the kind of naturalistic planting/habitat enhancement for this species considering their current habitat will be surrounded by development.

In addition three separate sections of hedgerow need to be cleared to accommodate the roads associated with the scheme as shown on the Illustrative Master Plan. This will involve the removal of dormouse habitat and as such will require the need for a Natural England EPS licence. As a result we will need to show we have fully considered the 3 derogation tests set out in the Conservation of Habitats and Species Regulations 2017 when determining the planning application. As a result information is required to satisfy that the proposed development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' and there is 'no satisfactory alternative' to losing the dormouse habitat. This will require the need for mitigation proposals that can be clearly interpreted and implemented and information to prove they have considered all alternatives to losing the dormouse habitat. Finally, the LPA will need to determine that there is over-riding public interest for granting planning consent; therefore any information the applicant can provide to support a public interest case should be provided.

Section 4.22 of the Phase 2 Ecological Surveys report states the current site proposals will ensure the connectivity is maintained between the site's central hedgerow and woodland located to the south west of the site. This woodland currently connects to the site through the hedgerow along the southern boundary. I am presuming the woodland referred to is Long Swains Row but I have no idea of its suitability for dormice or if it already has a carrying capacity for dormice. It is also noted that dormice were not found within the hedgerows along the southern boundary of the site presumably because these hedgerows are currently unsuitable? Habitat enhancements along these proposed routes would be required, however, most significantly this connectivity will be broken by the new access road through the south western corner of the site. No mention of this is given despite also stating in Section 4.22 'the likelihood of dormice being able to cross the access roads is low due to the likely traffic levels'. As a result more information is required on how connectivity for this species will be maintained between its current location and the wider countryside.

Although I will be seeking to get the best protection and enhancement measures for the dormice on site I think even with these measures I would have serious reservations on the ability of retaining the dormouse population within a hedgerow habitat that will have development on either side. As a hedgerow habitat (as opposed to woodland) the dormice will not be able to retreat to canopy height during their active season to avoid cat predation. In addition the current layout shows roads bisecting their habitat, there will probably be an increase in general light levels as well as general disturbance associated with the development. As a result it would be useful if Natural England's opinion could also be sought on any mitigation proposed as the official Wildlife Licencing Authority through their Discretionary Advice Service (DAS). It would be also useful if the applicant is aware and can provide details of any other schemes where dormice have been successfully retained within hedgerow habitat within a development setting such as the one proposed.

Either way a scheme of monitoring will be required to establish the effectiveness of measures to provide suitable conditions to retain the population present post-development.

### Skylarks

I am confused about whether the site does or doesn't support skylark breeding territories and, if so, how many will be lost and how many will be compensated? Section 6.16 of the Updated Preliminary Ecological Appraisal states a breeding survey should be undertaken, presumably at the RM stage, but we would need to know now how skylarks are using the site to know what level of compensation will be required and where/how this will be accommodated. I note that skylarks were recorded singing on site within the time of year for their breeding (early May). This would indicate they are breeding on site.

Suggestions are made that the wildlife area in the north of the site will be managed to encourage skylarks and this area could serve as 'like for like mitigation'. However, having spoken to the Open Space Officer apparently the whole of this area will be used as Accessible Natural Green Space in order to meet Open Space Standards. Such use will not be compatible with skylark nesting territories and I doubt any 'thorny vegetation planting' will deter access especially as access for management will still need to be maintained. Again information is required on how many plots they hope to accommodate in this area given skylarks need open views to nest. This needs to be shown on a plan.

### Bats

Building 2 on site due to be removed has been assessed as providing Low potential for roosting bats within Ecosulis' Phase 2 Ecological Surveys report. In Section 5 of the report - Limitations of Survey and Report, it states 'a national standard has not been adopted for minimum survey effort for bats since the extent of surveys required is dependent upon species present and site-specific factors'. The report goes on to say the recommended level of survey within this

report is based upon their experience and the Bat Conservation Trust Guidelines 2016. These guidelines state the recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for a building of Low potential is one survey visit. Therefore the survey report goes against the recommended survey guidelines in this respect. Such surveys should be required ahead of planning decisions.

### Toads

A proposed mitigation strategy for the toads has been submitted which is recommending toad tunnels with associated guide ditches are created to mitigate the impacts on toads crossing Cufuade Lane from the increase in traffic levels along this road. This suggested mitigation follows meetings with relevant consultees and was considered the best option. The location of the toad tunnel is to be within the toad hotspot located opposite Cufauade Manor. It is understood that the moat associated with Cufuade Manor is the location of a former breeding colony but is in fact now dry. In which case it is unclear if a tunnel within the location of the most southern hotspot along Cufauade Lane (which is closer or more directly linked with the lake known to be the main breeding water body for the toads) was not pursued because it is unfeasible? Why was this location was not chosen given the lake is considered the main destination for the toads? Is it considered those toads crossing close to Cufauade Manor will go on to the lake to breed? Would it be feasible to install two toad tunnels at each location?

Any such installation will need to be secured through S106 for the development which will need to include measures for their on-going maintenance.

### Ad hoc Comments

It would appear the Habitat Valuation Assessment given in Section 2.20 of the Updated Preliminary Ecological Appraisal is not in line with the figures given in the Outline Ecological Enhancement & Management Strategy.

Section 6.3 of the Updated Preliminary Ecological Appraisal states 'informal tree planting' will be provided along the Roman Road on site. At the moment I do not feel this is reflected on the Illustrative Master Plan. In line with the Upper Cufauade Farm Development Brief SPD a true contribution towards green infrastructure and habitat creation will be required on this development at the RM stage.

The revised Ecological Appraisal Report states the 3 ponds to the north of the site have Below Average or Poor Suitability for GCNs and therefore unlikely to support a population of GCNs (Section 4.4) even though the GCN Survey report previously submitted confirmed their presence in one of these ponds. The report does state the pond is located within MOD land which consists of woodland and grassland and that the GCNs would be unlikely to utilise the development site due to lack of opportunities. The local Toad Patrol volunteers have evidence of GCNs attempting to cross Cufuade Lane moving between habitats on the east of

the lane and those on the west. Given the hedgerows on site will be retained, the population found within the MOD site is small and the remaining habitat on the development site is sub optimal for GCNs I am prepared to accept they are less likely to utilise the development site.

I know the Tree Officer has also raised the issue of a minimum 20 metre buffer not being adhered to for the SINC woodlands adjacent to the development site.

Within the Biodiversity Net Gain Assessment for the linear features on site no indirect impacts have been added into the metric despite their being potential for light spill and there will be a change of setting after development. Monitoring of the habitat management on site will have to ensure the hedges on site fall no lower than moderate or high from their current condition.

As before if the above issues can be overcome and planning permission is granted, it should be subject to a condition/obligation requiring a wildlife protection and mitigation plan and a habitat enhancement plan that identifies:

- How any features of potential biodiversity interest within and adjacent to the area of the proposed development, i.e. the woodland and mature trees, will be protected during the works.
- Details of the timing/ecological watching brief/felling procedures required to address the protection of dormice, great crested newts, reptiles, badgers, bats and breeding birds before and during development works.
- Monitoring of the dormouse population on site with any necessary contingencies and/or remedial action that will be undertaken to provide suitable conditions to retain the population of dormice on site post-development.
- Measures that will be taken to avoid light spillage along the known bat commuter routes and dormice habitat.

In addition a S106 will be required for the installation and on-going maintenance of any toad tunnels.

Biodiversity Officer JN  
19/06/2019