Biodiversity Team

Comment Date: Wed 20 Aug 2025

Thank you for consulting Biodiversity on this application. These comments are provided with reference to Natural England Standing Advice and best practice industry guidelines. The proposals are for an outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access). A Preliminary Ecological Assessment (Document Reference: 10797.03.002), Version 1.1 dated April 2025 produced by TEP, along with a Biodiversity Net Gain (BNG) Feasibility Report (Document Reference: 10797.03.003) Version 2.0 dated May 2025 produced by TEP and accompanying Statutory Net Gain Metric (Version 2.0 dated 30th May 2025 have been submitted. The subsequent comments are based upon these reports. The site boundary measures 6.32ha.

Protected sites (ENV 4)

Designated Sites:
According to DEFRA Magic mapping, the site is located within a SSSI Impact Risk Zone but the development is not of a type triggering the need for further consideration of designated sites. It is considered reasonably unlikely that any protected sites will be impacted as a result of the development.

Protected species (ENV 4)

Bats

Trees:
The report states that most of the trees on site were considered to be suitable for roosting bats. The report states these trees are mature specimens of varied species which have at least one suitable PRF present. All trees were assessed as requiring Further Assessment for bat roost suitability in line with current guidelines. In line with the recommendations within the report, a bat survey on the trees, and any further surveys recommended from this are required prior to determination of the application.

Buildings:
There are several buildings to the eastern corner of the site which comprise of stables and outbuildings. A few of the buildings had bat suitability owing to the nature of use, the building composition and surrounding habitats. The buildings were assessed as requiring Further Assessment for bat roost suitability in line with current guidelines. In line with the recommendations within the report, a bat survey on the buildings, and any further surveys recommended from this are required prior to determination of the application.

Great Crested Newts (GCN):
The ecological survey found one small ephemeral field pond on site and a further 6 ponds within 250m. The HSI survey results for pond P1 showed that the pond had a HSI score of 0.60 which assessed the waterbody of being "average" GCN habitat to breed. Suitable habitat was identified on site to support foraging, commuting and hibernation amphibians including GCN.

The ecological report recommends further assessment of the on-site ephemeral pond and further 6 waterbodies within 250m of the site in the form of Habitat suitability assessments (HSI) and Environmental DNA (eDNA) surveys to confirm the likely presence/absence of GCN. The GCN survey is required prior to determination of the application.

An alternative option to traditional surveys for GCN is the Natural England GCN District Level Licensing (DLL) scheme. This allows a calculated payment to Natural England which will contribute to the creation and management of high quality GCN breeding ponds within a GCN Strategic Opportunity Area in Cheshire West and Chester, in lieu of traditional surveys and mitigation on site. To evidence that a site is registered with the GCN DLL, an Impact Assessment and Conservation Payment Certificate (IACPC), counter-signed and dated by Natural England, is required prior to determination of the application.

Badgers:
The grassland and bunded area within the site provide good opportunities for sett creation. Field evidence of badger was found in the bunded area on the western side of the site, this mainly
consisted of snuffle holes. Section 5.19 of the report recommends a badger survey to check for presence/absence of setts on site and land within 30m of the boundary. The badger survey is required prior to determination of the application.

Otter:
The Key Brook is located directly adjacent to the southern site boundary and runs the full length of the site. The brook is bounded by trees and hedgerow and provides suitable habitat for otter and water vole. Section 5.40 of the report recommends further survey effort for both otter and should include 200m up and downstream of Keys Brook and 30m of the riparian corridor. The otter survey is required prior to determination of the application.

Water vole:
The Key Brook is located directly adjacent to the southern site boundary and runs the full length of the site. The brook is bounded by trees and hedgerow and provides suitable habitat for water vole. Section 5.42 of the report recommends further survey effort for water vole and should include two surveys at least two months apart to confirm presence/absence of the species. The water vole survey is required prior to determination of the application.

Nesting birds:
The grassland, hedgerows and tree habitats on site offer good potential for nesting birds. Therefore, any vegetation removal should therefore take place outside the bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed for nesting birds by a qualified ecologist immediately beforehand.

Reptiles:
No evidence of reptiles was found on site during the survey. The hedgerows, ruderal/ephemeral and wooded area alongside the brook provide suitable sheltering and foraging habitat for reptiles. No further surveys are required, however, precautionary working measures should be implemented during site clearance and construction to protect this species from harm. As a standard best practice measure, Reasonable Avoidance Measures should be adhered to and is requested by condition.

Brown hare:
No evidence of brown hare was identified on the site during the survey. The grassland, ruderal/ephemeral and hedgerows provide suitable habitat for foraging, nesting and commuting brown hare. No further surveys are required, however, precautionary working measures should be implemented during site clearance and construction to protect this species from harm. As a standard best practice measure, Reasonable Avoidance Measures should be adhered to and is requested by condition.

Hedgehog:
No evidence of hedgehog was identified on site during the survey. The grassland on site provides suitable foraging habitat and the hedgerows and tall ruderal/ephemeral habitat provides suitable shelter and hibernation potential for hedgehog. No further surveys are required, however, precautionary working measures should be implemented during site clearance and construction to protect this species from harm. As a standard best practice measure, Reasonable Avoidance Measures should be adhered to and is requested by condition. Movement of hedgehogs post-development must be provisioned for through the creation of 'hedgehog highways' through closed boundaries. A plan is requested by condition.

Polecat:
No evidence of polecat was identified on site during the survey. The wooded area along the brook provides suitable habitat for ranging and foraging polecat. Habitats within the site are largely unsuitable for supporting denning or sheltering polecat but do provide suitable foraging and commuting opportunities. No further surveys are required, however, precautionary working measures should be implemented during site clearance and construction to protect this species from harm. As a standard best practice measure, Reasonable Avoidance Measures should be adhered to and is requested by condition.

Protected Habitats (ENV 4)

Trees:
There are many mature trees on site all of which will be retained accept for T18 referenced within the tree report, which will be removed to provide site access. T18 is located within the hedgerow on the eastern boundary. Tree planting is proposed as part of the development.

Hedgerows:
The ecological survey recorded five hedgerows on site. H1 and H2 are species rich native hedgerows and are considered to be of the highest value within the site. Part of H1 will be removed to create site access. Hedgerow planting is proposed as part of the development.

Watercourse:
Keys Brook runs adjacent to the site. The brook will not be directly impacted by the development, however, indirect impacts may be likely. Therefore, best practice measures should be put in place during works to prevent any potential impact to prevent degradation of the brook. As such, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Biodiversity Net Gain (BNG)

The application is subject to statutory biodiversity net gain legislation under the Environment Act 2021. A minimum of 10% net gain in biodiversity is therefore required. As the application is subject to statutory biodiversity net gain legislation, a Biodiversity Gain Plan must be submitted to and approved in writing by the local planning authority prior to the commencement of development. A Statutory Biodiversity Metric has been submitted with this application.

To allow for the LPA to assess that the development satisfies the requirements of the Environment Act 2021 the following information/amendments are required:

- A River Condition Assessment of Keys Brook must be undertaken by a suitably trained and accredited surveyor to advise the BNG metric.

- Condition assessment sheets for baseline habitats onsite should be provided.

- The site is within the 'Restoration Area' of the Ecological Network as identified within the Local Plan Map, therefore, 'Formally Identified in Local Strategy' in the Strategic Significance column of the metric for the habitats should be selected.

All submitted information should be in accordance with any updated site plans.

Invasive non-native species (INNS)
No notable or invasive flora was identified on site during the survey. To prevent the introduction of INNS onto site during construction work, biosecurity measures should be implemented. The requested CEMP should include biosecurity measures.

Enhancement (NPPF):
In line with the NPPF, biodiversity enhancement measures should be provided and these can take the form of roosting and nesting provision for bats and birds. Examples of bat boxes that can be
installed within the new build are the Schwegler 1FR bat brick or 1FQ. Examples of bat and bird boxes that can erected in existing trees onsite are the Schwegler 1FF and 2FN, suitable for bats, and the 1B Schwegler nest box for birds. An enhancement plan is requested by condition.

Recommendations:
The proposals do not comply with ecological Local Plan Policy and national ecological policy as listed below, unless the following are provided, prior to determination of the application:

- Amendments/clarifications in relation to the Statutory Biodiversity Metric as detailed above are required.

- A Great Crested Newt survey, and any further surveys recommended from this, are required to be carried out by a suitably qualified ecologist to best practice guidelines and submitted for approval prior to determination of the application. If any evidence is found, a mitigation plan (to be shown on proposed site/elevation plans) and method statement of works is also required prior to determination of the application.

- A Badger survey, and any further surveys recommended from this, are required to be carried out by a suitably qualified ecologist to best practice guidelines and submitted for approval prior to determination of the application. If any evidence is found, a mitigation plan (to be shown on proposed site/elevation plans) and method statement of works is also required prior to determination of the application.

- A Bat survey on buildings and trees, and any further surveys recommended from this, are required to be carried out by a suitably qualified ecologist to best practice guidelines and submitted for approval prior to determination of the application. If any evidence is found, a mitigation plan (to be shown on proposed site/elevation plans) and method statement of works is also required prior to determination of the application.

- An Otter survey, and any further surveys recommended from this, are required to be carried out by a suitably qualified ecologist to best practice guidelines and submitted for approval prior to determination of the application. If any evidence is found, a mitigation plan (to be shown on proposed site/elevation plans) and method statement of works is also required prior to determination of the application.

- A Water Vole survey, and any further surveys recommended from this, are required to be carried out by a suitably qualified ecologist to best practice guidelines and submitted for approval prior to determination of the application. If any evidence is found, a mitigation plan (to be shown on proposed site/elevation plans) and method statement of works is also required prior to determination of the application.

Site photographs should be included within the Preliminary Ecological Assessment.

SUMMARY

The proposed development has the potential to have an adverse impact upon protected species (bats). Insufficient information has been provided for the Local Planning Authority to determine if there would be any adverse impacts on the aforementioned and as such the proposed development contravenes Policy ENV4 of the Cheshire West and Chester Local Plan (Part One) and DM44 of the Cheshire West and Chester Local Plan (Part Two), Government Circular 06/05, NERC Act 2006, Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

Subject to the above information being provided the below can be secured via planning condition:

- Prior to the commencement of development, a Statement of Reasonable Avoidance Measures for the protection of brown hare, hedgehog, polecat and reptiles throughout development works must be submitted and approved in writing by the local planning authority. The approved statement shall be adhered to in full throughout the construction period.

- Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP should include;
a) Pollution prevention

b) Dust control measures
c) Biosecurity measures
The approved plan shall then be adhered to in full throughout the construction period.

- Prior to the first occupation of the development hereby approved, a hedgehog commuting route through the completed development (including a plan illustrating the commuting route) must be submitted to and approved in writing by the Local Planning Authority. The creation of holes must be at least 13cm height x 13cm width at the base of closed boundaries and they must be provided prior to the first occupation of the dwelling which the boundary treatment serves.

- Prior to the first occupation of the development hereby approved, a scheme for the provision of bat boxes (Schwegler 1FR bat tube or similar) and bird boxes (Schwegler brick boxes or similar) within the site shall be implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority and be retained in perpetuity. The scheme shall include the provision of at least one bat box/tube and one bird box for every two dwellings hereby approved.

Informative: It is an offence to intentionally injure or kill wild birds. It is also an offence to intentionally take, damage or destroy a wild bird's egg, or its nest while it's being used or built. Ground clearance and vegetation removal should therefore take place outside the bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed for nesting birds by a qualified ecologist immediately beforehand. Further information about protection of wild birds can be found here: https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences.

ENV 4, DM44, Gvmt Circular 06/05, NERC Act 2006, Conservation of Habitats and Species Regulations 2017, Environment Act 2021, National Planning Policy Framework 2023

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