



Directorate for Planning, Growth & Sustainability

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Ecology Planning Application Response F.A.O. Emma Showan

Date: 11 March 2021

From: Mike Sharp, Consultant Ecology Advisor

Application reference:	PL/21/0130/FA
Site:	Land at Magpie Lane Amersham Road Coleshill Buckinghamshire
Proposal:	Erection of a temporary rural workers dwelling and agricultural building with access and parking.

Dear Emma,

Thank you for consulting the Buckinghamshire Council Ecology Advice Service on the above proposal. I have reviewed the above application regarding its ecological implications and concluded that further information is required to fully assess the impact of the proposed development.

Summary

Further Information Required

It is considered that there is a reasonable likelihood of protected species being affected by this development. Therefore further information is required to ensure protected species are not adversely impacted by the proposals and to ensure there is not net loss of biodiversity (in accordance with National Planning Policy Framework, 2019).

The presence or likely absence of protected species (e.g. reptiles and amphibians) needs to be established by way of appropriate survey in accordance with published industry guidance.

Appropriate mitigation and enhancement measures must be proposed that are proportionate to the impacts and which deliver a net gain for ecology.

Natural England should be consulted on the potential impacts of the proposed free-range rabbit farm on Hodgemoor Wood Site of Special Scientific Interest (SSSI).

Discussion

The application is supported by a Preliminary Ecological Appraisal (Ellendale Environmental Ltd, February 2019) and an Addendum to the PEA (Ellendale Environmental Ltd, undated).

These proposals involve the erection of a temporary rural workers dwelling and agricultural building with access and parking.

Summary of Ecology Report

- The survey site is approximately 6.0 hectares in size and is accessed via Magpie Lane. The application site is dominated by plantation grapevines and other fruit trees and poor semi-improved grassland. The survey area is bordered by a strip of semi-natural broadleaved woodland and scrub.
- The site provides limited suitable habitat for protected species and no evidence was found trees within the site are suitable for nesting birds and some passerine species were noted during the survey. The boundaries of the site provide the most suitable habitat for protected species however these will be unaffected by the proposed development.
- Recommendations are made for post construction ecological enhancement.

Ecology Comments

- No background data search was commissioned from the Local Environmental Records Centre for records of protected species/priority habitats in close proximity to the site.
- There are a number of ponds mapped within 500m of the site (including at least one within 250 m). The habitats on site appear to provide suitable terrestrial habitat for great crested newt which could be present in the area.
- The habitats (especially the more tussocky areas of grassland) also appear to provide suitable habitat for reptile species, foraging barn owl and ground-nesting birds species.
- The above issues are not addressed within the ecology report.
- The site is adjacent to Hodgemoor Wood Site of Special Scientific Interest (SSSI). It is advised that Natural England be consulted on the proposal for a free-range rabbit farm at this site.

Legislation, Policy and Guidance

Biodiversity Net Gain

Paragraph 118a of the National Planning Policy Framework (NPPF) states: *“Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside”*

Paragraph 170d of the NPPF requires that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.*

Paragraph 175d of the NPPF states that: *“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.”*

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2018), ODPM Circular 06/2005 or the Conservation of

Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"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. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted."

If you have any queries regarding this advice, please do not hesitate to contact me.

Yours sincerely,

Mike Sharp

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