

APPLICATION NUMBER P0672/25/OUT ADDRESS (FIRST LINE ONLY) Land north of Carisbrook Road CASE OFFICER Tony Pope	CONSULTEE (NAME/SECTION) Anouska Laramy Principal Ecologist and Countryside Lead DATE 14/10/2025	
Issues Considered Landscape impact (SPD) ☐ Trees ☐ Landscaping ☐ Ecology ☒		
RECOMMENDATION (INSERT 'X' IN RELEVANT BOX)ⁱ ☒ ADDITIONAL INFORMATION REQUIRED (Please re-consult when received) ☒ OBJECTION (Refusal reason below) ☐ NO OBJECTION ☐ NO OBJECTION SUBJECT TO CONDITIONS (see 'Conditions and informatives' below) ☐ PRE-COMMENCEMENT CONDITIONS LIKELY ☐ NO OBJECTION SUBJECT TO REVISIONS		
SUMMARY * Adequate / Further information required (FIR) / N/A/ conditions		
Ecological Report	FIR	Trees Identified & RPA's
Local Records Data Search	Adequate	Arboricultural Assessment
Mitigation	FIR	Landscape Assessment
Enhancement /Net Gain	FIR	Landscaping details
Further to your recent enquiry I have reviewed the submitted information and offer the following comments. <u>Proposal</u> Outline application for the erection of up to 180 residential dwellings (including affordable housing) with public open space, landscaping and vehicular access points (all matters reserved except for means of access) <u>Summary</u> • A Habitat Regulations Assessment for Likely Significant Effects has been undertaken and the preliminary screening has identified that it is not obvious that the proposal could not have any conceivable effect on a European Site during construction and therefore without protective measures there is conceivably likely significant effect. • Dormice require further consideration including details of any changes in hedgerow height for access (visibility) to assess if further surveys are required - any precautionary working measures must be submitted upfront prior to determination. • A Landuse parameters plan which must be to scale to show buffer zones, is required as well as any comment on impacts of loss of grazing habitat on horseshoe bats. Any trees with bat roosting features must also be shown as retained on the plans. • We require a metric showing habitats required for mitigation for horseshoe bats		

only so that we can adequately calculate net gains.

Reports

- **Ecological Impact Assessment (revised), CSA Environmental, August 2025**
- **Lighting Strategy, DFL, April 2024**
- **Shadow Habitat Regulations Assessment (revised), CSA Environmental, August 2025**
- **Biodiversity Net Gain Assessment, CSA Environmental, March 2025**
- **Ecology Briefing Note by CSA Environmental dated August 2025**

Detailed Comments

Horseshoe Bats associated with Wye Valley and Forest of Dean Bat SAC

The site is approximately 485m away from a component of the Wye Valley and Forest of Dean Bat SAC at its nearest boundary. Wigpool Ironstone mine is designated for its hibernating populations of horseshoe bats.

Extensive surveys have been undertaken by CSA Environmental which is welcomed. Surveys have been undertaken at all times of year in accordance with guidance – a 30m buffer zone to the north and 25m buffer zone to the west has been recommended which is welcomed. However, given the sensitivity of the site and that horseshoe bats have been found to use all site boundaries we consider all of the boundaries to be of importance and we would expect to see buffer zones on all boundary features which must be measured from the nearest hedgerow canopy facing the development to the developable areas. Therefore, we require a landuse parameters plan showing the areas that will be utilised for development and the buffer zones on all boundaries which must be to scale - if buffer zones cannot be achieved the applicant must consider reducing the density of housing.

We agree that the field habitats within the boundaries are not generally suitable for foraging horseshoe bats, however it is noted that the fields were grazed by sheep which could provide some foraging opportunities for horseshoe bats and statics do not appear to have been located within the fields where greater horseshoe bats in particular may be foraging. We acknowledge that the site is not grazed by cattle, however given the sensitivity of the site for horseshoe bats there is still some opportunity for foraging on the grassland for invertebrates attracted to sheep dung. Our guidance document notes that arable fields must be considered for foraging habitat if grazed.

A lighting strategy has also been submitted which is welcomed as it is important that boundary features are kept dark with lux levels of 0.2 on the horizontal plane and 0.4 lux on the vertical plane or at baseline levels.

It is likely that monitoring will be required on the surrounding features due to the close proximity of the SAC with remediation measures.

A Habitat Regulations Assessment for Likely Significant Effects has been undertaken and the preliminary screening has identified that it is not obvious that the proposal could not have any conceivable effect on a European Site during construction and operation and therefore without protective measures there is conceivably likely significant effect.

Once we have received the further information above the application will be taken to Appropriate Assessment.

Dormice

There is a dormouse record 880m from the site to the southwest, there is a road between the site and the record, however there is otherwise good connectivity.

Whilst it is acknowledged and welcomed that hedgerows and trees will be retained, suboptimal bramble scrub is to be removed – on further inspection the bramble/ bracken scrub is extremely low and it is considered that reasonable avoidance measures could be undertaken as the presence of dormice in this scrub is unlikely, however it is not clear if any visibility spays would reduce the height of the hedgerows. Please can this be confirmed so that we can further assess if dormouse surveys are required. We would also require any precautionary working measures for dormice are submitted upfront prior to determination to ensure that there will be no impacts to dormice during clearance and that this is completely ruled out.

Dormice are a European Protected Species (EPS) and the authority is required to have evidence to support an assessment of the likely impact on EPS, prior to issuing consent.

In this situation, the authority must consider its duty and have regard to the requirements of the Habitats Directive. In these circumstances the planning authority takes guidance from the three tests in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) and has also taken into consideration ODPM Circular 06/2005 (paragraphs 99, 112 & 116). Regulation 55(2) defines the circumstances where derogation is allowed for an affected EPS and a license could be issued by Natural England.

- The first test set out in Regulation 55(2)(e) deems that the need for the development should be in the interests of public health, public safety and an imperative reason of overriding public interest, which includes beneficial consequences of primary importance for the environment.
- The second test set out in Regulation 55(9)(a) deems that there should be 'no satisfactory alternative'.
- The third test set out in Regulation 55(9)(b) deems that the development should have no detrimental effect on the favourable conservation status of an EPS.

Currently it is considered the third test has not been met as the application does not adequately demonstrate the development would have no impact on the European Protected Species distribution and population.

Subject to the requested additional information being submitted and found acceptable the planning officer may also need to consider whether the first and second tests above can also be met prior to any positive determination.

Breeding birds

The consultant ecologist has confirmed that at the time of the 2024 survey that the onsite habitat was unsuitable for skylarks, there is however habitat adjacent to the site which has recorded skylark. It is considered that if works are undertaken during nesting season, then a nesting bird check will be required by a suitably qualified ecologist – this may be conditioned.

BNG

The BNG metric shows a net gain of 27.12% area net gain, 26.8% hedgerow net gain and 19.02% net gain in watercourse units – this is welcomed although the applicant must be aware that where mitigation for protected species is required this can only be counted up to no net loss within the metric. Please can it be established which habitats will be required as mitigation for foraging and commuting bats and a metric submitted showing only this information so that we can

establish how much of these habitats can be counted up to no net loss.

If the above cannot be resolved refusal is recommended for the following reasons:

- 1) Insufficient information has been provided to demonstrate that there will be no adverse effects on the integrity of designated Habitat Sites including the Wye Valley & Forest of Dean Bat SAC which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), and in the absence of scientific evidence there is considered to be a conceivably likely significant effect on a designated nature consideration site contrary to policies CSP.1 and CSP.2 of Core Strategy and AP1, AP7 and AP8 of the Allocations Plans, sections 2 and 15 of the NPPF and the advice in the NPPG.
- 2) Insufficient information has been submitted, in particular, ecological survey information, assessment or mitigation to enable the Local Planning Authority to fully assess the extent to which species and habitats, including dormice that are protected under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) or listed as species of Principal Importance in S.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (in particular Chapter 15); The Planning Practice Guidance; Policies CPS1 of the Core Strategy and AP1, AP7 and AP8 of the Allocations Plan, and ODPM Circular 06/2005. The Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Species and Habitats Regulations 2017 (as amended).

i EU Exit – The European Union (Withdrawal Agreement) Act 2020 (the EUWA) ended the supremacy of EU law in UK law, it converts directly applicable EU legislation (in particular, EU Regulations and Decisions) as it stands at the moment of exit into domestic law, and will preserve legislation previously made in the UK to implement EU obligations.

The legislation will generally have the same effect that it had before the UK left the EU, unless or until it is changed by Parliament.

In some cases there may be changes in referencing and guidance as a result of secondary legislation amendments. Changes may move at pace and it may not be possible to update all processes immediately. Where reference to specific legislation is made the reader should check to ensure referencing is consistent with any subsequent legislation amendments. Further information can be found at: <https://www.gov.uk/guidance/eu-exit-secondary-legislation-laid-with-impacts-on-local-government>

ii Commonly Used Ecology and Landscaping Planning Conditions may be found at <https://www.fdean.gov.uk/media/6119/st-core-conditions-sept-18vr6post-c-e-pub.pdf>