

11/10/2022

Brooks Ref: L-6441-01

Response to comments raised by Chidswell Action Group

Brooks Ecological have been asked to provide a response to comments raised by the Chidswell Action Group (CAG), in relation to ecological surveys undertaken at the Site, and the findings of surveys undertaken independently by CAG.

Brooks Ecological have been provided with two consultation responses (dated 4th and 19th June 2022) and a 'Climate Challenge' document, dated 6th March 2022. A lot of the information presented in this document is reiterating the results of surveys and assessments undertaken by Brooks Ecological, information which has been part of the Site's consideration through planning. We respond here to any new information provided.

A full suite of detailed ecological studies was undertaken by Brooks Ecological across the 2018 and 2019 survey seasons. All surveys were completed in line with published guidelines and the data collected was 'in date' when submitted to the Local Planning Authority (LPA) in support of the Outline Planning permission.

Given the protracted planning process, which is to be expected with a development proposal of this scale, many of the surveys reports have subsequently passed the timeframe by which the Chartered Institute for Ecology and Environmental Management (CIEEM) considers survey results to remain valid. However, when submitted, the Ecological information presented a robust picture of the Site's ecological baseline which should enable the LPA to make an informed decision on the Outline planning application.

For reports aged 18 months to 3 years, CIEEM advise that a professional ecologist should undertake a site visit and review the validity of the reports. With this in mind, Brooks Ecological has carried out an updating walkover survey in October 2022. This found the Site to have changed very little since the previous ecological surveys were completed, and no significant changes were identified to the habitats present on site (and/or the ecological conditions/ functions/ ecosystem functioning upon which they are dependant) since the suite of ecological surveys were undertaken in 2018/19. It is therefore reasonable to conclude that the 2018/19 survey reports continue to present a reliable baseline for the Site with regards to the Outline planning application.

Since the initial Biodiversity Net Gain assessment was provided in December 2019, there have been several updates to the DEFRA Metric Calculator tool, with the most recent release being version 3.1. Whilst DEFRA advice is to remain working within what ever version of the metric was available at the time that a planning submission was made, the opportunity to update the BNG assessment has been taken, given that an updating walkover survey of the Site was being carried out. Up to date baseline data was collected and the BNG assessment has been run through the latest version of the Defra Metric (3.1). Full details can be seen in accompanying report ER-6441-01 and Metric BM-6441-01.

As before, this assessment clearly demonstrates that development at the Site could readily achieve a 10% net gain in biodiversity, with the potential for greater gains to be achieved once the Site Layout

has been fixed, and final Landscape Masterplan and Biodiversity Management Plans produced. As well as onsite measures, units would also be secured through new planting within the 20m standoff between the two off-site woodlands (Dum Wood & Dogloitch Wood) and enhancement of the woodlands themselves, which would be outlined in a separate Woodland Management Plan; the primary aim of which would be to address indirect impacts from increased recreational use from new residents.

The CAG comments have raised concerns over the presence of several Schedule One birds on Site, namely Kingfisher, Barn Owl and Red Kite. Extensive breeding bird surveys were undertaken at the Site to support the outline planning application, this did not find any of these species to be nesting on Site. All wild birds, their eggs and young are legally protected whilst in an active nest, in addition to this, Schedule One birds, such as those listed above, are also legally protected from intentional or reckless *disturbance* at, on or near an 'active' nest. Schedule One status offers protection to birds only whilst actively nesting, and does not afford any level of protection to foraging habitat.

A separate Barn Owl walkover survey was undertaken by an experienced professional ornithologist, which did not identify any suitable nesting habitat for Barn Owl within the red line boundary; this remains the case. Barn owl could be expected to forage on Site, as well as within the surrounding landscape, but the likely absence of nesting can be reasonably concluded.

Whilst Kingfisher could occasionally forage within the Site, the unnamed headwater streams running through the Site do not offer any suitable nesting sites, and represent poor foraging habitat, due to the density or scrub vegetation, and lack of flowing water. A likely absence of nesting activity can be reasonably concluded. However, it should be noted that this scheme provides the potential to improve habitat which would benefit Kingfisher, amongst other bird species.

Whilst not recorded in 2018. Red Kite are rapidly expanding their range, and can be expected to forage on Site. There is also the potential for this species to nest within surrounding mature woodlands in the future, including Dum Wood and Dogloitch Wood. As development would not have any direct impact on these two woodlands, the risk of the proposals affecting this species is considered to be low. However, should it be required, appropriate mitigation could be designed into the proposals to ensure this species is adequately protected. Semi-Urban landscapes are likely to be as productive for this species as intensively managed arable land.

CAG also raised concerns over the potential presence of Hazel Dormouse within the adjacent Dum Wood. This is considered highly unlikely, given that this species is absent from West Yorkshire and most of the northern and midland counties, with its distribution being very much concentrated on the southern counties. The closest populations to the Site, as shown by the 2018 distribution map produced by the Peoples Trust for Endangered Species, are in parts of Cumbria and Staffordshire, where they are a rare species.

CAG also raises concerns over a number of common faunal species, such as Roe Deer, which are not covered by any policies or legal frameworks. The ecological surveys and assessments undertaken to support the planning application have covered only those species that are of conservation significance or offered protection under UK law, or within local or national planning policy. Of which, a robust baseline has been collected and presented.

Whilst the Climate Challenge document is well presented, it does not fully acknowledge the Site's current Ecological baseline. The vast majority of this Site has been significantly affected by its

intensive land use, being managed primarily to maximise agricultural yields, with little to no consideration for local wildlife. Margins between the arable fields are narrow and degraded by the regular application of agricultural chemicals (i.e. fertilisers, pesticides and insecticides). Hedgerows are disjointed and unsympathetically managed and fields are ploughed close-up to the margins of the headwater stream corridors, allowing agricultural runoff. Whilst a very limited range of wildlife can still be seen making use of the Site, intensive agricultural practices here have already much diminished the Site's biodiversity value. Whilst development will see large parts of the Site developed with buildings and sealed surfaces, there are significant opportunities for ecological enhancement to be made here. A large area of greenspace is being proposed, the design of which can be ecologically lead, creating a much more diverse and structure mix of habitats than is currently present. Most of the existing higher value habitat (which is very limited), can be retained, protected and enhanced following development. As demonstrated in the BNG Assessment, the current low baseline here means that there is ample scope for gains to be provided.

For and on behalf of Brooks Ecological,

Christopher Shaw BSc (Hons) MCIEEM
Principal Ecologist