

Brooke Bournague

Subject: FW: SWT comments PLAN/2020/0568
Importance: Low
Switch-MessageId: 73ff6d36d7544c928cdb294b7ba030ab

From: Cheryl Brunton <>
To: Brooke Bournague <>
Subject: RE: SWT comments PLAN/2020/0568

Dear Brooke,
Thank you for your email and attachments.

I see from some of the plans that there is a softworks key, setting out tree species and sizes to be used on site. We would still advise that the EMP provides details of Details of legal / funding mechanisms for the long-term and who will be responsible for management.

Kind Regards,
Cheryl Brunton

Conservation Officer (Planning)

Please note that until further notice, planning queries relating to the above should be directed by email to planning@surreywt.org.uk. Any urgent planning calls should be directed to Surrey Wildlife Trust's switchboard 01483 795440.



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ACT NOW

From: Cheryl Brunton
To: Brooke Bournague
Subject: SWT comments PLAN/2020/0568

Dear Ms Bournague,

Planning ref: PLAN/2020/0568

Proposals: Demolition of all existing buildings and redevelopment of the site for a phased mixed-use scheme, comprising 965 residential units (Class C3), communal residential and operational spaces, commercial uses (Classes A1/A2/A3/A4/B1/D1/D2) at ground floor and homeless

shelter (sui generis) within 5 blocks of varying heights of between 9 and 40 storeys (plus rooftop amenity) to the north and south sides of the site together with soft and hard landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant (Environmental Statement submitted).

Location: Land To The North And South Of Goldsworth Road Woking Surrey GU21 6JT

Thank you for requesting our observations on the above planning application. Our advice is restricted to biodiversity/nature conservation/ecological issues, and does not prejudice further representation the Trust may make as a non-statutory organisation on related or other issues.

Having reviewed the application documents and studied relevant records, comments and recommendations are set out below.

Protected species- Bats

All species of Bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. All Bats are therefore European Protected species.

Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, even if the bat is not present at the time of roost removal. In its role as a local planning authority, the Council should also be aware of its legal duty under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 which states that *“a competent authority must, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”*.

The Natural Environment and Rural Communities (NERC) Act (2006) (Section 40) states, *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*. Section 40(3) also states that, *“conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat”*.

Government Circular: Biodiversity and Geological Conservation –Statutory obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005) 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 the 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 the permission is granted.”*

A *Preliminary Ecological Appraisal* (PEA) June 2020 has been submitted with the current planning application. Eight buildings were identified on site, which are all understood to be demolished as part of the planning proposals. No. 30 is a confirmed Bat roost; 32 was assessed as high roost suitability; the Railway Athletic Club moderate suitability. 20 Goldsworth Road and 8 Church Street West had low roost suitability. 15-25, 27 and 29 Goldsworth Road had negligible Bat roost suitability. Further emergence/re-entry surveys were therefore required. The findings of the surveys are found in the Bat Survey report, June 2020. The appropriate number of surveys were undertaken on the buildings at an appropriate time of year with what appears to be an appropriate number of surveyors. It is recognised that dawn re-entry surveys could not be undertaken given the Covid 19 lockdown, as overnight accommodation was not available. It is understood that only building 30 was subject to an internal inspection. Common Pipistrelle Bat roosts (day and feeding) were found in buildings 30 and 32- these are confirmed Bat roosts.

We would advise the Council, that should they be minded to grant this planning application for this site, the applicant should be required to:

- . (in respect of buildings 30 and 32) Obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing and to;
- . Undertake all the actions which will be detailed in the Method Statement based on the IMPACT ASSESSMENT AND MITIGATION STRATEGY within the above referenced report, which must support an EPS licence application.

This will help ensure that the proposed development is in compliance with the statutory provisions of the above referenced legislation.

Trees were considered to have negligible Bat roost suitability. The ecology report confirms ...*“that all suitable and relevant information regarding the roosts present on site, was gathered during the dusk surveys. Therefore, the results and recommendations presented in this report are not considered to be affected”*. In this instance, as the applicant’s ecologist has set out that they are confident in their methodology, which does not strictly accord with good practice guidance, we advise that if a Bat is seen in any of the other buildings, work should cease immediately and advice sought from Natural England or a qualified specialist. The applicant should also be made aware of the requirement for them to apply for a Protected Species Licence from Natural England where development activities may disturb existing bats or damage their resting places.

- Sensitive lighting

As nocturnal animals, Bats are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes.

Paragraph 180 of the National Planning Policy Framework states that planning policies and decisions should *“limit the impact of light pollution from artificial light on ... dark landscapes and nature conservation”*.

The site was assessed through the PEA as negligible potential for foraging Bats. During the emergence surveys, the site was assessed as high levels of foraging from common pipistrelles, thought to be related to invertebrates being attached to known Pigeon nests within buildings. As such, a sensitive lighting scheme has been prepared, which is set out at para 5.3 of the *Bat survey report*. The *External Lighting* document, June 2020 submitted with the application sets out the average Lux output at street level and podium level. Current research indicates that Bats avoid areas which are subject to light spill above 1.0 lux at their commuting and foraging routes. We recommend that at the areas where Bats were known to commute/forage (see figure 3.0 in Bat Survey Report) and where Bat boxes are to be erected (see figure 3.11 of *Ecological Management Plan*), that Lux levels are retained at 1.0 Lux or lower. We also advise that a warmer spectral range (3500k or lower) lighting is considered suitable for Bats. It is noted that some lights have a specification with a higher spectral range of 4000k.

Protected Species-Hedgehog

Hedgehogs are listed as a Priority Species for conservation action under the UK Biodiversity Action Plan, and protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981. Hedgehogs are also listed as a species of Principal Importance within the Natural Environment and Rural Communities (NERC) Act 2006. The NERC Act also places a duty on Local Planning Authorities to have regard to the purpose of conserving biodiversity within the planning function, where ‘conserving biodiversity’ is clarified as including ‘restoring or enhancing’ a population or habitat.

A local search of records identifies a number of Hedgehog sightings within km of the application site. **We recommend that if the Council is minded to grant planning permission, the applicant should ensure that construction activities on site have regard to the potential presence of Hedgehog and other mammals to ensure that mammals do not become trapped in trenches, culverts or pipes.** All trenches left open overnight should include a means of escape for any animals that may fall in. The ecology report recommends that security lighting should be directed away from undergrowth and chemicals and pollutants associated with development should be disposed of in accordance with current Regulations. In addition, if any closed fencing is to be erected as part of the proposals, this should include 13cm x 13cm holes for Hedgehog in the base to allow the free movement of mammals over the development site.

Protected Species-Breeding Birds

Government guidance is clear that local planning authorities have a duty to take steps to preserve, maintain and re-establish wild bird habitat, such that bird populations maintain their numbers in areas where they live naturally. The Council needs to ensure that the population of wild birds and their habitat is appropriately preserved and maintained as a result of the proposed development.

Feral Pigeon were confirmed to be roosting within two of the buildings on site. The applicant should be made aware that Part I of the Wildlife and Countryside Act 1981 makes it an offence to intentionally kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst it is being built or in use. The applicant should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.

If this is not possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist immediately prior to clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.

Invasive Species – Cotoneaster

The above mentioned ecology report identifies that Cotoneaster is present on site. Some Cotoneaster species are considered invasive. Care will need to be taken not to cause this plant to spread as a result of the development works. This species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (Part II) and as such it is an offence to allow them to spread in the wild.

To prevent this invasive species spread, **it should be eradicated using qualified and experienced contractors and disposed of in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991.** Further information on this species can be obtained from the GB Non-native Species Secretariat at 'www.nonnativespecies.org'.

Biodiversity Enhancements

The National Planning Policy Framework (NPPF) makes it clear (para 170) 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 pressures”*.

Paragraph 174 requires the promotion of *“the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”*.

Paragraph 175 also requires that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*.

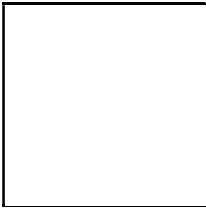
This development offers opportunities to restore or enhance biodiversity and such measures will assist the Local Authority in meeting the above obligation and also help offset any localised harm to biodiversity caused by the development process. The development should progress in line with section 5 of the above-referenced *Preliminary Ecological Appraisal*; section 5 of *Bat survey Report*; section 3 of *Ecological management Plan (EMP)*; Illustrative masterplan; softworks plans. It is noted from the landscape plans referenced that the reader should “refer to indicative planting palette”. Officers were unable to locate this- it is our assumption that prior to commencement of works that a detailed planting plan will be submitted, which will confirm exact number, sizes and species of trees/hedges/shrubs to be incorporated on site. The EMP references a number of drawings which may contain this detail, but we have not been able to locate these plans. In addition, we advise the EMP should also provide details of Details of legal / funding mechanisms for the long-term and who will be responsible for management.

I hope these comments are helpful in assisting your consideration of the planning proposals. Please do not hesitate to contact the Trust with regard to any other matter relating to this application or if you require any clarifications.

Yours sincerely,

Cheryl Brunton

Conservation Officer (Planning)



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