

Technical Note

Project:	Bugle Nurseries	Job Number:	17-0684
Subject:	Technical response to planning consultation	Date:	30/01/2023

This Note has been prepared by Delta-Simons (DS) in response to the planning consultation comments received from Surrey Wildlife Trust, dated 12th January 2023.

Set out below are the comments received, with Delta-Simons responses to each point below. Subheadings have been included to aid with themes.

Badgers

- SWT comment The above referenced report has identified the likely absence of active badger setts within and adjacent to the development site. However, signs of badger activity have been identified within the development site and so badgers are known to be present locally.
- DS Response The report clearly states that no evidence of badgers has been recorded on-Site (and this is since surveys commenced in 2018).
- SWT comment The applicant should ensure that construction activities on site have regard to the potential presence of terrestrial mammals to ensure that these species 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.
- DS Response The above is clearly stated on p23 of the EclA.
- SWT comment If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species.
- DS Response Given the low likelihood of their presence and bearing in mind we first surveyed this site in 2018 and have surveyed it numerous times since and always drawn the same conclusion with no evidence recorded, this is not considered necessary.

Bats

- SWT comment Should be LPA be minded to grant permission for the proposed development, we recommend that the LPA seeks clarification as to whether all trees have been subject to an updated bat preliminary ground level roost assessment, undertaken by a suitably experienced ecologist in line with best practice guidance, and the bat potential of trees T20 and the unidentified tree with a split should be clarified prior to determination.
- DS Response The trees were all subject to an updated bat preliminary ground level roost assessment in January 2022, which follows on from the following: Jan 2018 BRP buildings and trees, 2018 nocturnal surveys in June and July focus on buildings, July 2020 update walkover with BRP of buildings and trees, (and nocturnal surveys in June and July 2022 focused on buildings), with the same low number of both species and bats recorded to utilise the Site during the nocturnal surveys.
- The recommendation within the EclA is in accordance with best practice such that all trees with low BRP will be subject to an aerial inspection of suitable features by a licensed bat ecologist or pre-dawn return survey prior to any works commencing to them. This mitigation is deemed proportionate.

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Breeding Birds

SWT Comment 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 within 24 hours of any 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.

Note: There is contradictory recommendations within the EclA report for building demolition outside the breeding bird season, to avoid harm to nesting birds, but between April and October, to avoid the hibernation season for bats. We recommend this advice be clarified; updated recommendations should be included within a Construction Environment Management Plan (CEMP).

DS Response We are not sure why clarity on the above is required? Different groups of species have different seasonal requirements and, therefore, when works can be undertaken has to be limited. From the recommendations made in the EclA, building demolition only of B1, 4 and 5 should avoid the bat hibernation period, but with regards to nesting birds it very clearly states that if works cannot be completed outside of the nesting season, then an Ecological Watching Brief will be maintained such that following a check, if no nesting birds are found demolition of these buildings could proceed anyway.

Hazel Dormouse

SWT comment We advise that prior to determination of the current planning application, the LPA should require the applicant to provide an assessment of the potential of the site to support hazel dormouse in order to avoid contravention of above referenced legislation. If the information provided does not provide the LPA with confidence on the presence/likely absence of hazel dormouse, and the potential for adverse impact, then further presence/likely absence surveys may be required.

DS Response No records have ever been received (since 2018) for this species within 2 km of the Site centre. A check on the NBN gateway indicates an absence within the wider area. Hazel dormice require a continuity of suitable linear habitat to facilitate access to the Site in the first place which is not present as can be confirmed from a review of aerial photographs, not to mention there is a lack of connectivity of habitat through the Site and an adequate cover and food species to support them year-round. The Site and surrounding area do not offer the habitats required to support this species which is why they have never been mentioned in any of the reports prepared for this Site. We are confident that survey for this species is not necessary.

Great Crested Newts

SWT comment The proposed development appears to affect suitable great crested newt terrestrial habitat. The report has identified eight ponds within 500m of the site and has scoped the species out due to 'a lack of records and suitably connected ponds'. However, although the nearest pond is described as being unsuitable, it does not appear that any of the ponds (including a new pond approximately 160m away from the site) have been formally assessed or surveyed for great crested newts. There is therefore a reasonable likelihood of great crested newt being present and adversely affected by the proposed development. The applicant has not submitted any qualitative or quantitative information

supporting information as to the potential presence or likely absence of great crested newt at the development site.

DS Response

No records of GCN were included within the data searches dating as far back as 2018, and no recent records of other amphibians have been provided. Given the extent of development within the surrounding area, it is anticipated that if the species was present then the records would have been updated. The following was detailed in the 2018 PEA report, however, given that conditions have not changed in regard to the pond to the north, and the other ponds remain fragmented from the Site, there is no justification for further survey being required for GCN as there is a lack of possible suitable breeding habitat within the dispersal range of this species to the Site:

Within 10 m of the northern boundary is Halliford Lake, a private fishery. The lake is over 25,000 m² with surrounding woodland and an area of rough grassland to the east. Sparse common reed *Phragmites australis* was present at the margins with occasional pendulous sedge overhanging the pond edge. Having spoken to the owner during the survey, it is known to support mainly carp *Cyprinus carpio* with pike *Esox lucius*, tench *Tinca tinca* and roach *Rutilus rutilus* also present. A small number of mute swan, coot, moorhen and mallard were seen during the survey. The lake is assessed in Table 5 below.

Located approximately 150 m south-west of the Site, beyond the railway line, is a large waterbody within land next to the recycling centre on Charlton Lane. Access was not available and visibility restricted, as the pond was within a fenced area that supported numerous active construction works vehicles and portacabins. However, the pond only appears on aerial maps suggesting it is newly constructed and, given the surrounding activity, it is not expected to support GCN. Google Earth has been checked today (25/01/23) and the bare ground is shown to be around the pond in images from 2020. Given that this is fragmented from all other ponds by roads and development such that it would not be accessed by GCNs (if they are present further south) that could then potentially disperse to the Site then it is completely unreasonable for the WT to state that there is a reasonable likelihood of GCNs being present on-Site.

Three waterbodies lie to the east of the Site, beyond residential housing on Upper Halliford Road, which provides a dispersal barrier. In addition, they are situated adjacent to an area of grassland and trees such that they provide suitable terrestrial habitat should GCNs or other amphibians be present. One large lake lies approximately 435 m north-west of the Site, however, the M3 provides a dispersal barrier.

A small square body of water was also identified on OS maps in the north of the golf course, however, from its shape it is anticipated to be part of the drainage scheme. The waterbody is located within suitable rough grassland and scrub, whilst to reach the Site it is over 475 m via suitable connected terrestrial habitat along the railway line, including passing through a tunnel, such that GCNs, if present, are not expected to travel that distance.

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Results of HSI Assessment Variables of Habitat Suitability Index Assessment		Waterbody 1
Sl ₁	Pond location	1
Sl ₂	Pond area	Too large
Sl ₃	Pond drying	0.9
Sl ₄	Water quality	0.33
Sl ₅	Shade	0.6
Sl ₆	Water fowl	0.67
Sl ₇	Fish	0.01
Sl ₈	Ponds	1
Sl ₉	Terrestrial habitat	1
Sl ₁₀	Macrophytes	0.31
Habitat Suitability Index		0.42
Habitat assessment - suitability for GCNs		Poor
Need to undertake further GCN survey		No

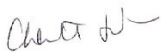
Given the lack of records and suitably connected ponds, GCN are not considered to be a constraint at this Site and no further survey can be justified.

Reptiles

SWT comment We advise that prior to determination of the current planning application, the LPA should require the applicant to submit the additional reptile presence/likely absence surveys in line with best practice guidance.

DS Response The team have spent a considerable amount of time on-Site, checking beneath refugia before and after bat surveys, and generally looking for reptiles and since 2018 have never recorded any signs of reptiles. Furthermore, there are no records of these species. Whilst as stated in the report, there is the potential for individuals to disperse onto the Site, given that the grassland is grazed and maintained as a short sward, the main areas of suitable habitat comprise the dense scrub covering the earth mound and the grassland and scrub areas to the east, but these areas were relatively small and isolated. Therefore, given that mitigation should be proportionate, the approach proposed is considered the appropriate way forward noting that there is adequate habitat to be retained should any reptiles be found.

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