

Application Reference: 24/02108/OUT  
Prepared for: Sophie Milbourn, Planning Ecologist,  
Shropshire Council

25/08/2025

Dear Sophie Milbourn,

## 24/02108/OUT: Proposed Residential Development, Patshull Road, Albrighton, Shropshire

Thank you for your comments dated 8 July 2024, 13 January 2025 and 28 April 2025 regarding ecology matters in relation to the Outline Planning Application (Ref: 24/02108/OUT) for the proposed residential development at Patshull Road, Albrighton, Shropshire. For ease of reference, a summary of your comments is provided below.

### Comment 1 - Great Crested Newts

*I have read the submitted Great Crested Newt eDNA Survey – Technical Note (Cass, June 2024).*

- *If the traditional licensing route is going to be followed then presence/absence surveys and a mitigation strategy needs to be submitted.*
- *If the District Level Licensing scheme is going to be used then a countersigned IACPC needs to be submitted.*

*One of these is required to allow SC Ecology to complete the favourable conservation status test of the Habitats Regulations 3 derogation tests. This needs to be carried out during the consideration of the planning application.*

### Comment 2 - Other Species

*The Preliminary Ecological Appraisal Report (Cass Design Consultants, April 2024) recommends further surveys for bats, breeding birds, reptiles, and white-clawed crayfish. Please re-consult Ecology when these have been submitted.*

*The presence of protected species needs to be considered as part of the planning application.*

### Response

Our Client, Boningale Developments Limited. (BDL), acknowledges that to fulfil relevant statutory and policy obligations, Shropshire Council (SC), in accordance with BS 42020:2013, “*should have regard to biodiversity conservation in the exercise of its planning function*” and that SC should “*ensure that, where biodiversity could be affected, proper adherence to the mitigation hierarchy is ensured, with a clear explanation of how this will be applied in any decision made*”.

Furthermore, our Client acknowledges that you are required to assess the Planning Application specifically in relation to the *“presence or absence of protected species, and the extent to which they could be affected by the proposed development, established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances”* under BS 42020:2013, Section 9.2.4:

- a) *Where original survey work will need to be repeated because the survey data might be out of date before commencement of development.*
- b) *To inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases.*
- c) *Where adequate information is already available and further surveys would not make any material difference to the information provided to the decision-maker to determine the planning permission, but where further survey is required to satisfy other consent regimes, e.g. an EPS licence (see below).*
- d) *To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.*

And BS 42020:2013, Section 9.3b(1):

- *Can the likely offence be avoided if appropriate preventative and / or mitigation measures are secured by planning conditions and/or through voluntary planning obligations.*

Due to the scale and multi-phased nature of the development, to facilitate the determination of the “Outline” Planning Application, in line with the above and in light of Circular 06/2005 (paragraphs 98 and 99), our Client would like to enter into dialogue with SC to agree the scope and timeline of the highlighted deliverables.

To initiate discussion, our client proposes the following surveys and approach:

### **Response to comment 1 - Great Crested Newts**

Our Client agrees that the Scheme will be entered into a District Level Licensing scheme and a countersigned IACPC will be submitted to discharge your comments and facilitate your favourable conservation status test.

Our Client is currently in the process of completing the process and will make all documents available to SC Ecology when received.

### **Response to comment 2 - Other Species**

#### **Reptiles**

Being a less mobile species group in regard to any range expansion and a long-term mitigation strategy applicable to multiphase developments, without the requirement of significant additional survey effort, baseline surveys in the form of the following are being undertaken in 2025 to inform the “Outline” Planning stage.

A two-phase approach is being implemented during the reptile survey to determine presence / likely absence of reptiles across the development site. The approaches being utilized combine ‘Artificial Refugia’ surveys and ‘Visual Encounter’ surveys, as detailed below;

**Artificial Refugia Survey** - As per the guidelines in Froglife (1999), Twenty surveys are being undertaken across the 2025 survey season by a competent surveyor (IEEM, 2011). Twenty visits, in suitable weather conditions, is considered appropriate for surveys targeted at identifying presence / likely absence of reptiles across a site and inform population densities if encountered (Froglife, 1999; Natural England, 2011).

Artificial refugia has been placed throughout suitable habitat across the survey site, at a density of 50 per hectare; as per the guidelines in Froglife (1999) for a detailed survey. The artificial refugia type utilised for this survey are 0.5m<sup>2</sup> pieces of roofing felt ('felts') and / or corrugated metal tin ('tins'), located in potential reptile hotspots – i.e. sunny areas near to cover (gullies and slopes, rides or paths through scrub, grassland, scrub / grassland interfaces and sun traps created by small open patches surrounded by dense vegetation: Froglife, 1999; Natural England, 2011). So as to avoid bias within the survey and impacts from public pressure, refugia has been positioned in targeted areas over the site on top of short or flattened vegetation (rather than bare ground), also overhung by vegetation and away from footpaths.

Refugia are being checked periodically with care taken to replace them back in exactly the same position, visual observation of the exterior of the roofing felt or corrugated metal tins is firstly being undertaken to capture all incidents of reptiles basking on top of the refugia. If no basking reptiles are observed, care is taken to approach the tiles with minimum disturbance prior to lifting of the felts or tins.

**Visual Encounter Survey** - The site and immediate surroundings (where access is available) is being systematically walked to check for reptiles on twenty occasions during the optimal survey season, predominantly following the survey methodology detailed in Gent & Gibson (1998). Surveys are being undertaken during optimum weather conditions, i.e. when the temperature is between 9 oC and 18 oC (Gent & Gibson, 1998; Froglife, 1999), typically between 09:00-11:00 Hrs and between 16:00-19:00 Hrs, during periods of 'intermittent' or hazy sunshine, with little or no wind (Gent & Gibson, 1998), as literature suggests.

Both ground and vegetation is being carefully checked (approximately 3-4 m ahead), with the sun kept behind the viewer. All incidents where basking or foraging reptiles are observed is being recorded, with care taken to avoid disturbance prior to the visual sightings (Froglife, 1999).

Where pre-existing or natural refugia is observed during the survey (especially within the interior of the site), these are also be checked with care taken to replace the refugia back in exactly the same position. As above, visual observation of the exterior of the refugia is firstly undertaken to capture all incidents of reptiles basking on top of the refugia. If no basking reptiles are observed, care is taken to approach the refugia with minimum disturbance prior to lifting.

Reptile surveys are currently being undertaken and will be completed at the end of September 2025, where after this date the reptile report will be made available to SC Ecology.

Preliminary results of surveys undertaken to date indicate an absence of reptiles across the site with only a number of field voles *Microtus agrestis* and a single toad *Bufo bufo* having been found.

### **White-clawed crayfish (WCC)**

Being a less mobile species in regard to any range expansion and a long-term mitigation strategy applicable to multiphase developments, without the requirement of significant additional survey effort, baseline surveys in the form of the following have been undertaken to inform "Outline" Planning stage.

A two-phase approach has been undertaken during the WCC survey to determine presence / likely absence of WCC across the site. The approaches utilized combined a 'Habitat Assessment' survey along with an environmental Deoxyribonucleic Acid (eDNA) survey, as detailed below;

**Habitat Assessment** - An initial habitat suitability assessment has been undertaken along all rivers and joining tributaries, including streams and ditches, which are present within the development site, as well as those within 250 m of the development site (where access was available). These have been identified using the findings of the Preliminary Ecological Appraisal (Cass Design Consultants, April 2024) and 1:10,000 Ordnance Survey mapping data. All water features were assessed for their potential to support WCC (where access was available). The habitat suitability survey assessed the quality of the water feature and riparian habitat to support WCC, based on the guidance by Peay (2002) and the following factors:

- physical properties of the watercourse including the type of watercourse, depth, flow and channel width;
- refuges in the channel and bank;
- substrate composition;
- pollution, erosion and siltation;
- presence of invasive crayfish; and
- presence of bullhead *Cottus gobio*.

The presence of bullhead is a good indicator species for watercourse and habitat conditions which are suitable for WCC. Both of these species occupy similar refuge types within the channel and / or margins and thrive in areas of good water quality.

**eDNA Survey** – Surveys have been undertaken adhering to manufacturers specifications. The survey adopted the additional, following precautions:

- water samples will be collected within the WCC survey area, avoiding entering the water where possible during sample collection;
- sampling will be undertaken in an upstream direction to avoid the collection of ancient sediment that may contain historical DNA; and
- sub-samples will be taken every few metres along the watercourse to get a representative sample from the site.

WCC surveys were completed on 16 June 2025.

Results of the surveys undertaken indicate a low habitat suitability for WCC for watercourses found across the site. This is supported by an absence of both WCC and signal crayfish *Pacifastacus leniusculus* returned from the eDNA surveys. The WCC survey report will be made available to SC Ecology.

## Bats

Habitat loss across the development footprint is restricted to agricultural land currently utilised for crop production, which is generally considered of less favourable habitat for bats. Perimeter and internal linear hedgerows and habitats of value (e.g., mature trees) will be predominantly retained.

At “Outline” Planning stage, detailed design to inform impacts (if applicable) on any of these features have not been determined. Due to the prolonged timescales associated with multi-phased developments it would be anticipated that at least one round of repeat surveys, if not many, would be required as survey validity periods would lapse prior to the commencement of subsequent phases incurring unnecessary and unwarranted additional costs. It is proposed that “Targeted” species surveys will be undertaken [on each phase] to inform the “Detailed” Planning Application submissions.

Targeted species surveys will comprise a combination of the following:

**Ground Level Tree Assessment (GLTA)** - A ground-level search to look for Potential Roost Features (PRF’s) in trees, providing a description. This survey is designed to catalogue available roost resource and inform further survey requirements.

**PRF aerial inspection survey** - An elevated search to inspect PRF’s in trees either by climbing or the use of equipment such as ladders, Mobile Elevated Work Platform (MEWP) or scaffolding tower. This survey is designed to catalogue available roost resource in a more accurate way. The survey allows a search for evidence of bats in low- and higher-level features. Whilst in the tree, an experienced surveyor can look for PRF’s that are not visible from the ground. This survey is considered more valuable than an emergence survey, which can only provide a snapshot of a single night.

**Dusk emergence surveys** - An observation (utilising Night Vision Aid’s) and acoustic surveys (using bat detectors) to count bats emerging from their roost. This survey is best utilised for roost characterisation, when occupation of a PRF has been established by the presence of bats during same-day inspection surveys. The surveys can also be used instead of PRF aerial-inspection surveys if features cannot be safely accessed for inspection, e.g., in dead trees or where a PRF is delicate; such as lifting bark.

All surveys will be undertaken by suitably competent, experienced and licensed ecologists, with all surveys undertaken in accordance with practices detailed in both the Bat Conservation Trusts (BCT) Bat Surveys, Good Practice Guidelines (4th Ed.) and Joint Nature Conservation Committee Bat Workers Manual (3rd Ed.), or any revision at time of writing.

Survey results will be provided to the LPA, upon completion of the Target bat surveys, in the form of an appropriate report. The report will provide an evaluation of species utilisation within the site and its surrounding area (the zone(s) of influence), further identifying the likely ecological constraints, any licensing and / or mitigation measures (e.g., appropriate detailed lighting schedules in line with current industry Best Practice) likely to be required following the Mitigation Hierarchy and biodiversity enhancements in line with planning policy and legislation.

### Breeding birds

Habitat loss across the development footprint is restricted to agricultural land currently utilised for crop production, which is generally considered of less favourable habitat for the vast majority of breeding bird species. Species reliant on these habitats and nest sites are predominantly restricted to the skylark (*Alauda arvensis*), corn bunting (*Emberiza calandra*), reed bunting (*Emberiza schoeniclus*) and yellow wagtail (*Motacilla flava*). Perimeter and internal linear hedgerows and habitats of value (e.g., mature trees) will be predominantly retained, safeguarding habitats for farmland species which utilise these habitats for nesting.

At “Outline” Planning stage, detailed design to inform impacts (if applicable) on any of these features have not been determined. Due to the prolonged timescales associated with multi-phased developments it would be anticipated that at least one round of repeat surveys, if not many, would be required as survey validity periods would lapse prior to the commencement of subsequent phases incurring unnecessary and unwarranted additional costs. It is proposed that “Targeted” species surveys will be undertaken [on each phase] to inform the “Detailed” Planning Application submissions.

Targeted species surveys will comprise the following:

**Targeted breeding bird surveys**, adopting “Best Practice Guidelines” would be scheduled during the “optimum period”, following guidance from the Bird Survey & Assessment Steering Group (2025). The survey will comprise a series of six staggered survey visits undertaken at least seven days apart.

Five of the six visits will be carried out from dawn (finished by 12:00 hrs), whilst one visit will be conducted at dusk (i.e. during the last few hours of the day and extended beyond sunset for at least one hour). the dusk survey is to be conducted in order to pick up species not readily recorded by conventional surveys early in the morning, as species are known to vary in their detectability throughout the day.

The Survey Area will comprise the phase of the development, plus up to a 100m buffer (‘Wider Survey Area’), observed from the Survey Area boundary to record the presence of nesting birds.

During survey, all nesting bird registrations will be recorded on scaled field maps using the standard British Trust for Ornithology (‘BTO’) species code and behaviour notations (such as singing, carrying food, active nest). The approximate locations of bird territories within the Survey Area will be determined using standard territory mapping techniques to identify and isolate areas within which a given species consistently displayed breeding behaviours (following Gilbert et al. 1998).

All breeding bird survey visits will be undertaken by suitably competent and experienced ornithologists, with all surveys to be undertaken in suitable conditions (avoiding heavy rain and strong winds).

Survey results will be provided to the LPA, upon completion of the Target breeding bird surveys, in the form of a breeding bird report. The report will provide an evaluation of species utilisation within the site and its surrounding area (the zone(s) of influence), further identifying the likely ecological constraints, any mitigation measures likely to be required following the Mitigation Hierarchy and biodiversity enhancements in line with planning policy and legislation.

Due to the scale and nature of the development, to facilitate the determination of the “Outline” Planning Application, in line with the above and in light of Circular 06/2005 (paragraphs 98 and 99), our Client would argue that the development falls under the “exceptional circumstances” categories a - d, facilitating conditioning of certain elements of your comments, namely the requirement of bat and breeding bird surveys at “Outline” Planning Application stage, in line with BS 42020:2013, Section 9.1.3; *“should consider whether any potentially unacceptable impacts on biodiversity can be made acceptable through use of appropriate planning conditions and/or planning obligations”*.

Our Client fully accepts their responsibility in regard to biodiversity conservation obligations and the abovementioned protected and / or notable species surveys and mitigation points raised by yourself are fundamental to the establishment of a robust baseline proportionate to the impacts, the assessment of

impacts and the application of the ecological mitigation hierarchy to identify appropriate and effective mitigation/compensation measures to address significant effects (if applicable) pre- and post-development.

Our Client agrees to the conditioning / to a S106 of the Town and Country Planning Act 1990 [33] (England and Wales) Agreement of the additional bat and breeding bird surveys and any licensing strategy, providing details to SC at “Detailed” Planning Application Stage.

We trust this information addresses the points raised and provides the necessary clarity. We look forward to continuing discussions on this application and would be happy to respond to any further comments or provide additional clarification as required.

Yours faithfully

**Dr Stuart Graham**  
Technical Specialist

CC. Dean Trowbridge