

Monitoring the effectiveness of mitigation and enhancement schemes within the planning system

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1. Who we are

- Wychavon & Malvern Hills District Councils – joint services
- Recent establishment of a joint built & natural environment heritage team
- A new biodiversity post for Malvern



2. Background to project

- Creation of biodiversity project
 - Number of contentious applications with concerns around biodiversity
 - Councillors wishing to see greater focus on biodiversity
 - Awareness that procedures around monitoring of mitigation schemes & learning from them could be better
 - Willingness to review processes & seek advice



Multi-agency/disciplinary team

Representatives from
our two district
councils: Councillors,
planning officers &
biodiversity officers

WCC, WWT, NE

local ecological
consultant/CIEEM

We are developing our
relationship with WBRC



3. Aims of project

- Long-term/ultimate goals:
 - Routine compliance monitoring & enforcement
 - Monitor & report on biodiversity outcomes
- Processes sustainable within existing resources & capacity
 - Checking, analysing & improving processes
 - Ensuring our limited resources are focused in the right place



4. Scope of the talk



The current focus of our project:

- Improving the effectiveness of our processes
- Ensuring mitigation & enhancement measures are implemented



Use a range of case studies to:

- Examine & inform changes to our processes
- Investigate the short-term success of mitigation schemes



Bring our initial experiences to a wider audience, to share, learn & open up discussion

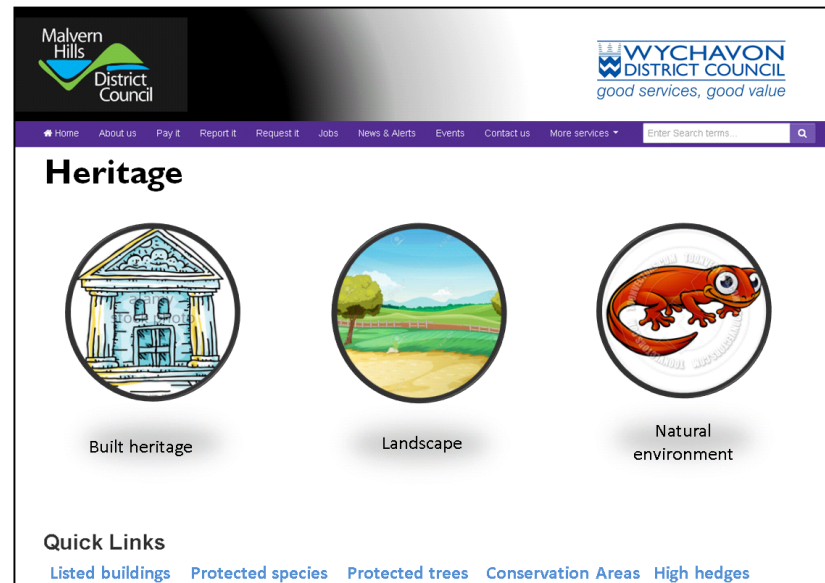
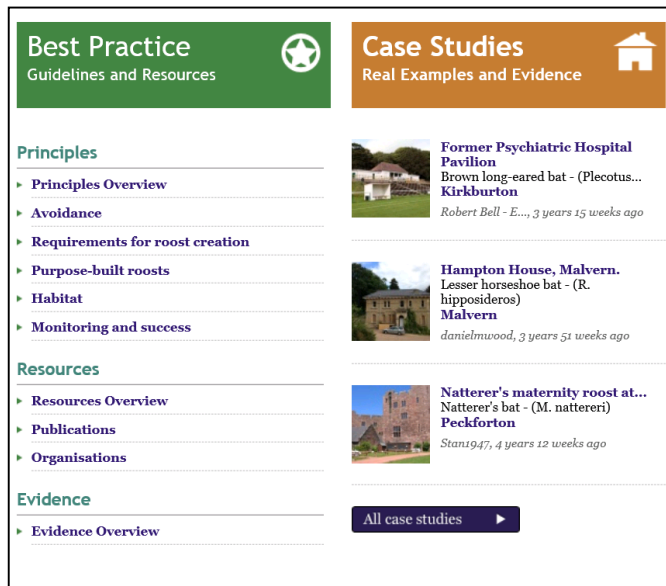
5. What we are doing..

- Improving efficiency at validation stage
 - Clarification of wording for applicants on need for ecological survey & survey type
- Provision of new & refresher training for planning staff to assess if information provided in ecological reports is sufficient



- Planned site visit for staff to view bat emergence: fun, educational, inspiring

- Improving website guidance - clear, informative and consistent across the two councils
 - Reduce nonessential contact time e.g., best practice guidance on bat & bird box designs & installation for simple enhancement conditions
 - Showcase positive examples of mitigation & enhancement



- Opportunities within new computer system for searching & generating reports
 - Allow better monitoring of conditions
 - Has the information required for discharge been submitted
 - Has it been discharged
- Working with local biological records centre to share information

The screenshot shows the 'DEF Software MasterGov - Malvern Hills Live' application window. The 'Planning Search' tab is active, displaying a search criteria form. The form is organized into several sections: 'Details' (Application Ref No, Location, Proposal, Status, Decision, PP Reference, Application Type, Development Type, Outstanding Applications, Conditions Discharge, C/D Urgent Workload, Renewable Energy), 'Dates' (Received Date, Valid Date, Decision Date, Issue Date, From, To), 'Geographical' (Wards, Parish, Area, Conservation Area, UPRN, Eastings, Northing, Radius), 'Additional Details' (Agent Name, Applicant Name, Committee / Delegated, Committee Date, Agents, Case Officer, Support Officer), and 'CIL' (Liable for CIL: Yes/No, Development Categories). At the bottom right, there are buttons for 'Search', 'Cancel Find', and 'New Search'.

- Conditions: improving wording, standardisation & use of model conditions
 - Dischargeable? Enforceable?
- More routinely conditioning submission of a statement of conformity/compliance
- Apply monitoring conditions
 - Part of biodiversity management plan/design strategy: is it enough? Or stand alone?
 - LPA routinely copied into monitoring reports to NE as part of licensing?

- New additional enforcement and compliance officer for Wychavon
 - Previously reactive, relying on reports & complaints
 - New role is pro-active: initiate direct contact, establish relationship with developers, encourage & help with discharge of conditions



6. Case Studies

- Case studies to reflect cross-section applications representing range of habitats & species
 - Try and understand how we can focus effort in the right places

Five sites (3 MHDC, 2 WDC) at different stages & scales



- Team visit to sites to:
 - Provide opportunity for planning officers to view site after permission granted
 - Allow partners to provide external perspective & peer review
- Look for commonalities: can we apply site specific lessons more widely?



Case Study A. Development of 14 new dwellings, 1.7 ha

Biodiversity interest:
50% of site semi-natural mesotrophic grassland.
3 ponds on site, & 1 outside but connected.
GCN in 2 of ponds on site. Species rich hedges.



Mitigation, compensation, enhancement – Early stages

- Retention of 1.10 ha of favourable terrestrial habitat. A portion enhanced by fencing off tussocky sward to be developed and cut annually ✓
- Cessation of horse-grazing ✓
- Temporary GCN exclusion from construction zone ✓ ?
- Pond restoration* & creation of hibernacula ✓
- Integrated bird boxes. All buildings to have bat tube\brick
- Sensitive lighting scheme
- Landscaping to include wildflowers

Issues

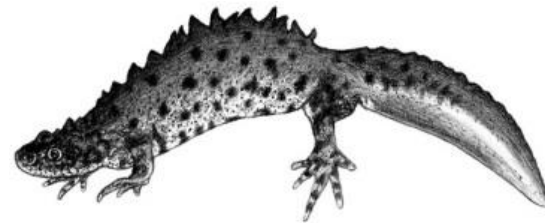
Schedule of ecological works in place, pre-commencement works carried out

- Time delay of 18 months since scheduled commencement of development
 - Reduced reliability of newt fencing
 - Re-establishment of habitat within exclusion area
 - Issues with habitat management



Solutions?

- Identify triggers for site checks
- Condition to include 'time limit on development before further surveys are required'
- Time delays trigger need to submit amendments for EPSL - but would leave the LPA 'out of the loop'.
- Find a way to work with NE to avoid duplication in compliance checks



Case Study Bee. Development of 27 dwellings

Biodiversity interest:

Former transport depot & semi-improved grazed pasture. Main interest veteran oak tree and a steep earth bank with ashy grey mining bees.



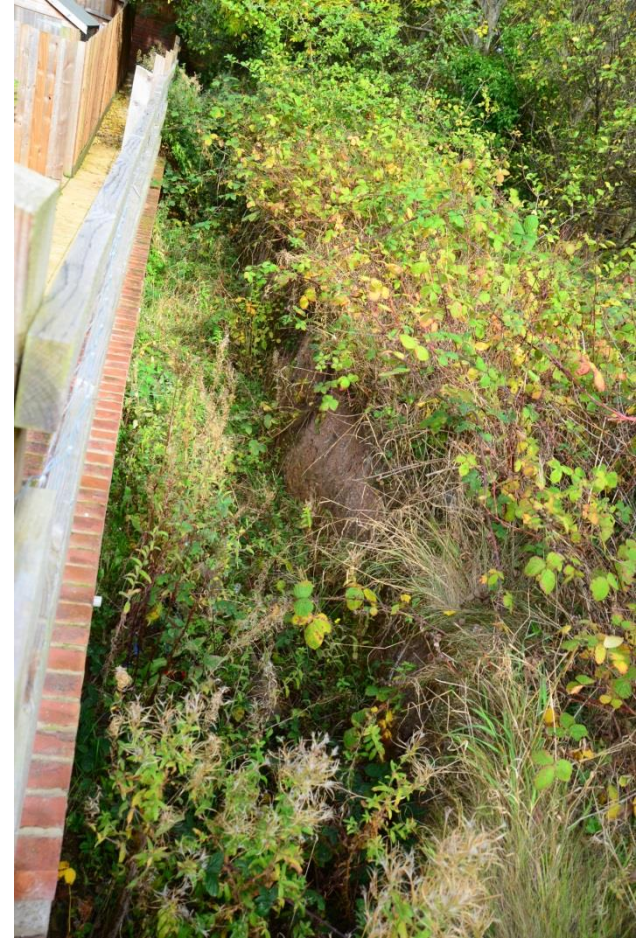
Condition: *The development shall be carried out in strict accordance with recommendations in ecology report... etc.*

Issues:

- Detailed ecological management plan covering implementation & long-term management but not all measures implemented
 - Bird & bat boxes installed
 - Tree protected, new hedge planted
 - No wildflower meadow



- Implemented but not maintained
 - Original ecologist replaced by non-specialist grounds maintenance company



Solutions?

- Contact the developer to enforce compliance with landscape scheme & management plan
- Pull out management plans to be conditioned separately, rather than 'hidden' within report recommendations
- Embed a statement of conformity as a standard approach in management plans?



Case Study C. Redevelopment of former school into care community

Biodiversity interest: Main interest 30-50 lesser horseshoe bats under floorboards of school while occupied. School closed & site fell into disrepair. Re-surveyed for current development: water leak destroyed roost, a few LHBs in underground locations.

Single pipistrelle roosts in roof.



Condition: *The works shall be carried out in strict accordance with the Natural England Bat Licence Method Statement*

Mitigation, compensation & enhancement

Near completion- moving into
NE monitoring period next year

- Pipistrelle roosts in new roof & some of bat boxes
- Lesser horseshoe bats using new roosts in cellar



- 🦇 Successful change of bat access point to avoid potential conflict
- 🦇 Installation of heater & hotbox: conversion into breeding roost
- 🦇 Creation of additional cool roosting area – removal of oil tank
- 🦇 Opening completely new underground area for bats – another hotbox



>80 lesser horseshoe bats



Issues & solutions

- Lighting on and off site potentially affecting flight corridors - *how can this be controlled, especially off-site?*
 - County ecologist facilitating discussion re changes to street lighting
 - Consultant ecologist working with developer to reduce on-site impacts



- Surrounding development sites are potentially affecting connectivity & habitat quality for bats roosting on the site – *We need a more cohesive & integrated approach to create greater awareness among planning officers & ecologists of roost presence & associated requirements*
 - drawing up network maps, including dark corridors, to provide constraints as well as enhancement opportunities for development
 - assist in making the data provided by the WBRC as up-to-date as possible



7. Commonalities

- Best results were achieved where there was a good & on-going relationship between the developer & the ecologist (& the LPA)
- Incomplete delivery
- Problems with long-term management, especially of ecologically sensitive habitats, such as the bee bank, SuDs management, wildflower grassland
 - How can we secure continued specialist input?
- Problems with long-term monitoring



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Quick poll

- Hands up if you have been commissioned to write an ecological management plan
- Leave your hand up if you were commissioned to oversee the delivery of the same plan
- Leave your hand up if you have been satisfied with the results



8. What next?

- Establish ways to work with NE in cases linked to EPSL to reduce duplication
- Find means to influence longer-term management beyond the often standard 5-year maintenance period
- Closer liaison with Parks team to promote biodiversity interest in adopted public open spaces within developments

- Conditions to:
 - include clear timing schedules
 - include clear ‘indicators of success’ which are easy to identify and understand for non-ecologists
- Find ways to have a cohesive & integrated approach to developments to avoid off-site impacts
- Potential for student & volunteers to take on monitoring projects
- Explore mechanisms for sharing learning internally & externally

9. Conclusions

- We accept that whilst our two councils have been meeting statutory responsibilities & tests, better consideration needs to be given to the effectiveness of mitigation schemes with respect to implementation, maintenance & long-term success
- It is possible to identify quick wins in the short-term (processes) & begin to implement longer-term improvements by including partners & developing a culture of learning and awareness
- Everyone involved in the process, LPAs, developers, partners & specialist consultants have the capacity to make things better
- We welcome learning from others

10. Please get in touch

We welcome discussion on any points.

Please contact us at:

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