

# Consultee Comments for Planning Application 21/01600/OUT

## Application Summary

Application Number: 21/01600/OUT

Address: Land Adj HM Prison Welland Avenue Gartree Lubenham Leicestershire

Proposal: Outline planning application (All Matters Reserved except for means of access and scale) for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works

Case Officer: Mr Mark Patterson

## Consultee Details

Name: Org Leics County Council Ecology

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On Behalf Of: County Ecology

## Comments

A suite of ecology surveys and reports have been provided by the applicant: badger, barn owl, great crested newt, reptile, bat activity, habitat survey, biodiversity net-gain assessment and biodiversity improvement plan (C Gleed-Owen and Ramboll, 2021).

One document is still required: the Impact Assessment and Conservation Payment Certificate (IACPC) countersigned by Natural England; this confirms the applicant is entering the District-level licensing scheme for great crested newts and that the LPA is therefore not required to take any further actions with regard to GCN mitigation.

Apart from this, the ecology reports and documentation provided is all satisfactory, and I recommend that the development is acceptable in principle, with conditions involving biodiversity net-gains and improvement plans, 30-year biodiversity management plan, badger mitigation and barn owl and bat mitigation.

The habitats on the land proposed for the new prison buildings are of relatively low biodiversity value - mainly poor-quality grassland, with some hedges, scrub, ditches and trees. There is a single pond on site. These habitats will be lost, unavoidably. None would meet our local wildlife site criteria. In compensation for the loss, the applicant has proposed various measures including:

- enhancement of grassland to the north and west of the new prison extension to create species-rich wildflower grassland
- pond creation west of the new prison
- a belt of native tree planting outside the prison wall
- creation of species-rich grassland and flowering lawns within the prison.

These measures will result in increased biodiversity value of the site, subject to final details and a

satisfactory 30-year management plan, and are acceptable; I can confirm that the BNG metric assessment and improvements plans are satisfactory. Implementation of these should be the subject of a planning condition requiring at least an equivalent amount of net-gain to that returned by the metric (22.32 habitat units and 2.65 hedgerow units); the applicant should be aware that if plans change significantly, the metric will need to be re-run at the reserved matter stage.

There are minor mitigatable impacts on bat and barn owl activity; see relevant reports. There is no need for further general surveys, but I recommend a pre-removal check of any mature trees and buildings on site for nesting birds, including barn owl, and pre-removal check for bat roosts of the four trees and buildings identified as having bat-roost potential. This should be a planning condition. Mitigation will also involve a sensitive lighting plan and new Barn Owl boxes and bat boxes refer to section 5 and 6 of the Barn Owl report and section 6 of the Bat Activity survey (CGO, 2021).

No reptiles were recorded during surveys and there is no need for further survey.

There are 2 large main badger setts on site, plus many outliers, etc. This is clearly an important area for badgers, and the applicant has submitted detailed reports on badger activity, including a bait-marking survey; these are satisfactory. Closure and destruction of setts must take place under licensed mitigation from Natural England. The main setts will be unavoidably lost, and therefore the mitigation will involve creation of replacement artificial setts, and destruction of existing setts only when all badgers have moved out and taken up residence elsewhere. For such large setts this will undoubtedly be challenging, but there is no other viable alternative on the site. As badger activity does change over time, it is recommended that the status of setts, including outliers, is kept under annual review in order to amend any mitigation plans and licence applications in good time before site clearance. The mitigation plans submitted, including relocation of the main sett, are satisfactory and should be subject to planning condition, with the added condition that an update survey should be carried out in the 6 months immediately prior to the programmed start of site clearance and submitted to the LPA. (Refer to the Badger Bait-marking Survey and Relocation Strategy (CGO, 2021).

A great crested newt survey has now been submitted, and is satisfactory. A small population is present in the pond on site, which will be lost to the development. There is a larger off-site population, including GCNs translocated from the Airfield Farm development into a receptor site to the east of the prison site, just over 250m away, and a known population in a pond close to the eastern point of the application site. The report proposes two possible approaches to mitigation for this loss: the traditional on-site licensed mitigation, involving translocation of individuals to a receptor site, or the new option of entering the Natural England District-level licensing scheme. On-site mitigation is not needed in the latter option, but a conservation payment is made to Natural England to invest in GCN habitat enhancements elsewhere in the area. The applicants agent has informed me in a separate e-mail (not on your website) that the latter route of entering the DLL is being pursued.

The guidance for LPAs regarding District-level Licensing includes a requirement for the applicant to submit a counter-signed confirmation from NE that the applicant has entered the scheme. This has not been submitted in this case. The document is called the Impact Assessment and Conservation Payment Certificate (IACPC). In the interests of consistency, I have to advise that this must be received by the LPA before the application is determined.

This remains the only outstanding item of documentation.

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