

Scholes, Anthony

From: rbc@gsecology.co.uk
Sent: 04 March 2025 15:27
To: Scholes, Anthony
Subject: RE: PL/25/0102 (FUL) - 1029 Oxford Road, Reading

Warning!

For the attention of
RBC, BFFC Staff and Councillors

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Hi Anthony,

Bats

I disagree with his interpretation of the bat survey guidelines, if a bat roost were to be found when they were demolishing the building it would be lost, this would be an illegal act as no licence would be in place, and mitigation would not have been provided.

My advice is that there is currently insufficient information to determine the likely impact of the proposals on bats which are a protected species and a material consideration for planning applications.

The application is therefore contrary to Paragraph 99 of government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (referred to in the NPPF) which reads:

“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.”

As such unless either 1) the applicant submits the results of a survey that shows that bats are absent from the property, or 2) the applicant can demonstrate that there are ‘exceptional circumstances’ meaning that a condition can be set requiring a survey to be carried out after planning permission has been granted, the application should be refused on the grounds that insufficient information has been provided to determine the likely impact of the proposals on bats which are a protected species and a material consideration in the planning process.

BNG.

The native scrub (which is often very vigorous) in front of the house is very unlikely to remain for 30 years as there will be conflicts between the scrub and future tenants.

The same is true of the small patches of neutral grassland at the front of the site which will almost certainly become modified grassland in poor condition after a few years regardless of the management regime.

The definition of private garden as per the BNG user guide is:

“A garden within the curtilage of a privately owned or tenanted dwelling house. The post-development private garden has no public access, and biodiversity net gains cannot be legally secured.”

The UKHab definition of vegetated garden is: “Garden that is principally vegetated, for example with large areas of grass and flower beds. “

The govt. has also guidance on what a dwelling house is – here: <https://www.gov.uk/hmrc-internal-manuals/capital-allowances-manual/ca11520#:~:text=Dwelling%2DHouses&text=A%20dwelling%2Dhouse%20is%20a,to%2Dday%20private%20domestic%20existence>.

This reads: “A dwelling-house is a building, or a part of a building; its distinctive characteristic is its ability to afford to those who use it the facilities required for day-to-day private domestic existence.”

And:

“A block of flats is not a dwelling-house although the individual flats within the block may be.”

The building will be tenanted, and the individual flats are dwelling-houses. Therefore, all land within the curtilage will be a private garden and it needs to be classified as vegetated garden in the metric.

Furthermore, if the council were to agree with their assessment then we would need to enter into a S106 agreement (UU or conservation covenant) to include a monitoring fee for 30 years to check that the habitats are managed appropriately. The legal costs for the S106 alone (which the applicant would need to pay) would be more than the cost of a small fraction of a unit that the applicant would need to purchase to comply with the BNG regulations, and on top of this they would need to pay their ecologist to produce the HMMP, pay the council a fee for monitoring it and set aside funds for its ongoing management for 30 years. This would all cost far more than the purchase of the approx. 0.05 area habitat units (at around £20k to £40K per unit) which would need to be bought to deliver a 10% net gain.

Kind regards,

Giles

From: Scholes, Anthony <Anthony.Scholes@reading.gov.uk>

Sent: 25 February 2025 10:42

To: rbc@gsecology.co.uk

Subject: FW: PL/25/0102 (FUL) - 1029 Oxford Road, Reading

Morning,

FYI below re: bats and BNG.

Thanks,

Anthony

Anthony Scholes

Senior Planning Officer

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