

Item No: 5.3
Application No: 16/00646/FUL Author: Maxine Ingram
Date valid: 27 April 2016 ☎: 0191 643 6322
Target: 27 July 2016 Ward: Weetslade
decision date:

Application type: full planning application

Location: Land at Weetslade Colliery, Great Lime Road, Dudley, NORTHUMBERLAND,

Proposal: Installation of wildlife corridor including engineering operations to create landforms and shallow wetland habitats and details of wildlife tunnels (Amended plan received 21.7.16 - inclusion of buffer to north boundary and ecology compensation).

Applicant: Highbridge Business Parks Ltd, FAO Mr Adrian Hill Berger House 36-38 Berkley Square London W1J 5AE

Agent: Lambert Smith Hampton, FAO Mrs Helen Marks 41-51 Grey Street Newcastle Upon Tyne NE1 6EE

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Planning Issues

- Principle of the development, including impact on ecology;
- Other issues.

2.0 Description of the Site

2.1 The site to which this application relates is situated within a wider designated employment location within the Council's Unitary Development Plan 2002. It is noted that the site is also identified as an employment site within the Council's Local Plan Pre Submission Draft (2015). The site is branded as "Indigo Park" and the Council has entered into a partnership with the developer to bring forward investment on this site as per its allocation. The site is currently agricultural land, located within a designated wildlife corridor, which is bounded to the north by Weetslade Country Park and to the south by Sandy Lane (A1056).

2.3 The site is sited in close proximity to Sites of Nature Conservation Interest (SNCI), Gosforth Park a Site of Special Scientific Interest (SSSI) and local wildlife sites (LWS) including the Sacred Heart Fen, Gosforth Wood Nature Reserve and the Weetslade Country Park.

2.4 A new access road onto this wider employment allocation was granted

planning permission in 2015. Works have commenced on this project.

3.0 Description of the Proposed Development

3.1 The development proposed is for the installation of a wildlife corridor including the engineering works associated with the creation of landforms to ensure a variety of edaphic conditions and shallow wetland habitats. The proposal also includes details of wildlife tunnels to be constructed under roads that will traverse the wildlife corridor to service the wider employment allocation. A 40m landscaping/ecology buffer is also proposed along the northern boundary of the employment allocation.

3.2 The illustrative drawings submitted in support of this application demonstrate how these required access roads could be delivered to a variety of unit sizes without impacting on the route of the corridor proposed to be fixed by way of this application.

3.3 It is proposed that the wildlife corridor will be enhanced in the following ways:

3.4 Stage 1

- Landforms will be created through the corridor in order to create a variety of edaphic conditions including more sheltered, secluded areas, damper habitats, areas of high and low soil fertility.
- Overall design will promote use by birds, bats and invertebrates by including tree planting for three dimensional structure, marshy habitats, hedges and species rich grassland.
- The design of landforms will allow the creation of shallow marshy grassland habitats to enhance local biodiversity and support species such as reed bunting.
- Wildflower grasslands will be sown with a simple grass and flower mix in order to establish a good quality base layer of diversity and value to wildlife.
- Woodland creation will be initiated using forestry techniques with small whips. These will provide a more successful establishment of new trees and woodland habitat in both the medium and long term, than the use of larger planting.
- Hedge and shrub planting will be implemented using small stock to promote good establishment and strong growth in the medium term.
- All woodland, hedge and shrub habitats will be planted and maintained weed free bare ground for the first three years to ensure maximum successful establishment and a high growth rate.
- Tunnels will be constructed under the proposed new roads for the industrial area. Tunnels will be aimed at species moving within the local area, and associated with Weetslade, rather than longer distance terrestrial movements to Gosforth Park.

3.5 Stage 2

- Wetland habitats will have settled allowing assessment and precision planting of additional wetland plant species based on the resulting water levels and habitat types. These will be largely marshy grassland and swamp type habitats with species such as yellow flag and sedges.
- Bare ground will have been maintained around newly established woodland and hedgerow habitats. Diverse herb layer species will then be seeded in the resulting bare shaded ground during the later summer of Year 3. This will allow species such as bluebell and dogs mercury to successfully establish.
- Supplementary seeding, plug and bulb planting of the wildflower meadow

grassland can be tailored as the area matures and the nature of the ground conditions become more evident. Wetland plants such as ragged robin and flag iris will be planted in wetter areas, more vigorous species such as field scabious and knapweed in areas with more fertile soils, and yellow rattle added where grass is too dominant. This phased approach, with an early start to habitat creation, will maximise diversity in the medium and long term.

-Hedges, trees and shrubs will be pruned to create the targeted structure including the establishment of specimen oak trees to match planting to the south.

3.6 Applicant's response to the objections raised is set out in full below:

3.7 Whilst the consultees generally support the principle of a wildlife corridor, they have expressed concerns regarding the potential impact of the proposal on the biodiversity of the wider site. The key points are summarised below:

- The need for a supplementary planning document/ masterplan to avoid piecemeal development across the site;
- The need for a screening opinion from the Council to assess whether an EIA is required;
- Biodiversity offsetting and mitigation;
- Impact on birds and the surrounding Local Wildlife Site and Gosforth Park SSSI;
- Uncertainty regarding the location of the roads and the potential impact on the wildlife corridor; and
- Provision of landscaping information.

3.8 Need for a Supplementary Planning Document or Masterplan

3.9 The comments received from the Council's Biodiversity Officer, Natural History Society of Northumbria (NHSN) and Northumberland Wildlife Trust (NWT) all stress the need for either a Supplementary Planning Document or Masterplan to be established for the wider site, before an application for a wildlife corridor can be considered. Whilst we understand their concerns regarding piecemeal development, we wish to make the following points:

3.10 An SPD/ Masterplan for the site already exists - The Weetslade Development Brief SPD (2007), which sets out the key land uses and design principles for the wider site, remains an adopted planning document and is a material consideration in the determination of planning applications. This was recently demonstrated in the determination of application 15/01352/FUL for the construction of a new access road into the site and is referred to in the case officer's report as a relevant document.

3.11 The brief also contains a concept masterplan which gives an indication as to how the wider site could come forward for development whilst addressing the requirements for environmental mitigation. The concept masterplan also shows a wildlife corridor in the location of the application site.

3.12 The proposal for the wildlife corridor has given close consideration to the content of the Weetslade SPD and concept masterplan, which is a material consideration in the determination of the application. An SPD is therefore already in place that supports the application.

3.13 The application has to be considered on its own merits - Notwithstanding the above, we highlight that any application on the site has to be assessed on its own merits and must be determined in accordance with the development plan unless there are material considerations that indicate otherwise Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In this respect, the proposal for a wildlife corridor is clearly in accordance with the national planning policy contained in the NPPF; the local planning policies of the adopted North Tyneside UDP (2002); the adopted Weetslade Development Brief SPD; and the emerging policies of the Council's Draft Local Plan, as set out in detail in the application submitted. Furthermore, the proposed wildlife corridor will not prejudice the future development of the site.

3.14 As we have noted in our planning statement, the site is within an area allocated for new employment (LE1/1) and designated as a wildlife corridor (E12/6). Policy LE1/1 clearly states that development should not commence on site until details relating to the preservation and enhancement of the strategic wildlife corridor have been submitted and approved by the local planning authority. Furthermore, the adopted Weetslade Development Brief SPD and the Draft Local Plan indicate the route of the proposed wildlife corridor through the site north and south.

3.15 In addition to the above, we also wish to reiterate that paragraph 118 of the NPPF states that "*development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*". This is a clear presumption in favour of the application.

3.16 Given the planning policy context it is clear that the proposed wildlife corridor is in accordance with the adopted Development Plan and should therefore be granted approval in line with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 .

3.17 The timescales for establishing a wildlife corridor - The design of the wildlife corridor requires a three year establishment period. The Ecology Statement prepared by E3 Ecology Ltd clearly demonstrates that the installation of the wildlife corridor at an early stage in the development of Indigo Park will deliver benefits to the local wildlife. As such, an early start is essential to achieve the design ethos and ensure benefits start to accrue for the wider site as development starts to come forward. Once the wildlife corridor is established, it can then inform future proposals by setting down a clear design parameter for the future development of the site.

3.18 Need for an Environmental Impact Assessment (EIA) Screening Opinion

3.19 We note that comments from the NWT and the Council's Biodiversity Officer suggest the application should be subject to an EIA screening opinion from the Council.

3.20 This is not necessary for this application given the size and nature of the proposal, which is appropriate in its current form (for the reasons set out above). Indeed, the only aspect of the proposal that requires planning consent is the

installation of the proposed tunnels. Furthermore, we also highlight that an EIA screening opinion was not required for the application for the new access road (ref:15/01352/FUL).

3.21 Biodiversity Offsetting and Mitigation

3.22 Comments from the NHSN suggest that biodiversity offsetting should be used to agree a level of mitigation across the wider site.

3.33 The applicant has agreed to enter into a Section 106 Agreement to secure offsite mitigation.

3.34 Uncertain Road Design

3.35 Comments from the Council's Biodiversity Officer and the Natural History Society of Northumbria have expressed some confusion as to the location of potential future roads and the impact on the wildlife corridor. In this respect, we wish to clarify that the aim of the wildlife corridor is to provide enhancement for species that use the area as a movement corridor.

3.36 It is anticipated that as the new habitat matures, the red and amber list population of breeding birds (corresponding with the attached note from E3) should increase. The species proposed within the new corridor have been designed to encourage this and accordingly there will be a repeat planting pattern. The provision of a limited number of roads through the corridor provided out of breeding period will therefore not compromise the biodiversity value of the corridor or harm species that is designed to enhance.

3.37 Our client is satisfied that the detail of the location of the roads be agreed prior to implementation.

3.38 Landscaping Details

3.39 The Council's Landscape Officer has requested that further details are provided with regard to planting design and linkages to other landscape features. In particular, the officer recommends that a full landscape management and grounds maintenance plan should be provided. The officer has also questioned drainage capability of the pipe bedding.

3.40 We support the landscape officer's comments with regard to the provision of a landscape and maintenance plan and suggest that this is dealt with by condition. With regards to the drainage to the tunnel, we highlight that the section drawing submitted as part of the application indicates a 1m depth trench within Geotextile to be filled with clean stone to form a soakaway. This is situated at the bottom of the embankment at the tunnel entrance. An additional measure consisting of a land drain is shown at the top of the embankment.

3.41 Summary

3.42 We have reviewed and responded to the comments received from consultees in relation to the ecology and landscaping issues on the site. Crucially, our response demonstrates that an additional SPD/ masterplan is not required and that the early establishment of the wildlife corridor is essential for the delivery a greater biodiversity benefit.

3.43 Lastly, we wish to reiterate that the proposal demonstrates our client's commitment to establish development on the site and provides a degree of certainty for prospective occupiers.

4.0 Relevant Planning History

15/01352/FUL - Construction (change of use from agricultural land) of single carriageway access road to facilitate improved access to Sandy Lane industrial estate and safeguard the enablement of future local development (Amended landscape plan and ecology report 2.10.15) – Permitted 29.10.2015

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

5.2 Weetslade Development Brief SPD (March 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

The main issues in this case are:

- Principle of the development, including impact on ecology;
- Other issues.

7.1 Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 Principle of the development, including the impact on ecology

8.1 NPPF sets out three dimensions to sustainable development: economic, social and environmental. NPPF makes clear that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

8.2 NPPF (paragraph 18) clearly states "The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths...." It goes on to state (paragraph 19) that "The

Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.

8.3 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built, and historic environment and as part of this helping to improve biodiversity amongst other matters.

8.4 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and providing net gains to biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity.

8.5 Paragraph 118 of NPPF states that when determining planning applications LPA’s should aim to conserve and enhance biodiversity by avoiding significant harm from development. If significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

8.6 The site, subject of this application, forms part of a wider employment allocation within the Council’s Unitary Development Plan (UDP) (2002). This area identified for new employment development is informed by Policy LE1/1. The wider employment allocation extends to some 30+ hectares, including some existing businesses and agricultural land. Policy LE1/1 states that development should not commence on the wider site until details relating to the preservation and enhancement of the strategic wildlife corridor has been submitted to and approved by the LPA.

8.7 The Council’s Employment Land Review Draft (2015) recommends the retention of this site.

8.8 The Council has twice consulted on the Local Plan Pre-Submission Draft. At this stage, and in accordance with the criteria identified at paragraph 216 of the NPPF, it is considered the draft policies of the emerging plan can be afforded some weight. This draft indicates an indicative map of this wider employment designation, branded as “Indigo Park”. It identifies a “green buffer” area running north to south through the site and additional buffering to the north boundary.

8.9 In addition to the UDP policies referred to above, the adopted ‘Weetslade Development Brief – Supplementary Planning Document (SPD) (2007) is relevant. This document is linked directly to the adopted UDP but provides a more detailed policy context to guide the comprehensive development of this employment land. It was prepared to fulfil the requirements of UDP policies LE1/1 and LE1/2 and, as required, it takes into account a wide range of issues including environmental mitigation and improvements. This adopted brief provides the key land use and design principles which future developers should follow in bringing

the site forward. Its role is to assist promotion, funding and implementation of the elements necessary to facilitate comprehensive development of this site.

8.10 The brief contains a concept masterplan which gives an indication as to how the site could come forward and address the requirements for environmental mitigation, access and economic benefits.

8.11 The brief deals with the development of the employment site only, the site's relationship with the Weetslade Country Park, existing ecology features and habitats will be factors in the determination of future planning applications.

8.12 UDP Policy E12/3 states that development which would adversely affect a site of nature conservation importance (SNCI and now known as Local Wildlife Site) will not be permitted unless: no alternative site is reasonably available and the benefits of the development would outweigh the importance of the site; or appropriate measures of mitigation of, or compensation for, all the adverse effects are secured, where appropriate through planning conditions or planning obligations. In all cases any adverse effects of development shall be minimised.

8.13 UDP Policy E12/6 states that development which would adversely affect the contribution to biodiversity of a wildlife corridor identified on the proposals map will not be permitted unless: no alternative site is reasonably available; or appropriate measures of mitigation of, or compensation for, all the adverse effects are secured, where appropriate through planning conditions or obligations. In all cases any adverse effects of development shall be minimised. In additions the positive effect of a proposed development on the contribution to biodiversity of a wildlife corridor will be taken into account in determining planning applications.

8.14 UDP Policy E14 states that the Local Planning Authority will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and whenever possible in other suitable locations.

8.15 Part of the site also lies within a wider area which is identified as derelict land to be reclaimed for open space, woodland and employment uses in accordance with policy E7/1(2).

8.16 This application seeks consent for the engineering works associated with installing the wildlife corridor, including shallow wetland habitats and wildlife tunnels, and a 40m landscaping/ecology buffer along the north boundary of this designated employment site.

8.17 The route of the proposed wildlife corridor would link to Weetslade Country Park to the north and Gosforth Park to the south. It is acknowledged that establishing a wildlife corridor on this wider employment site has been a policy of the Council; it is clearly identified in the UDP, the Weetslade SPD and the Local Plan Pre Submission Draft. The location of the proposed wildlife corridor and northern buffer broadly reflects the route as identified in these documents.

8.18 The applicant has submitted a Supporting Ecological Statement. The

applicant considers that this report clearly demonstrates that the installation of the wildlife corridor at an early stage in the development of this wider employment site will deliver immediate benefits to local wildlife. They have advised that the corridor will provide a wide range of valuable habitats for nesting and foraging resources, in accordance with those set out in the Gosforth to Cramlington Biodiversity Action Plan, and provide additional good habitat for those species targeted within the action plan. The benefit of these habitats will increase over time as they mature and enhance to the future benefit of those targeted species.

8.19 The applicant considers that fixing the route of the wildlife corridor at this stage has the added advantage of setting down a clear design parameter for the future development of this employment location. The applicant has advised that this will provide certainty to future investors but also the clear requirements of establishing a wildlife corridor in line with both current and emerging policy. The illustrative drawings submitted show how a series of development options could be accommodated, whilst respecting the route of the proposed wildlife corridor. The wildlife corridor as designed can accommodate any one of these illustrative options in terms of the road links and the details of the wildlife tunnels can be incorporated within any route. As development comes forward it will need to be assessed on its merits to establish if any further mitigation would be necessary.

8.20 Fourteen species of birds have been recorded so far in 2016, holding territories along the proposed wildlife corridor and in a 50m buffer around the proposed wildlife corridor. The most notable species are lapwing, linnet and yellowhammer, which are all declining species of high conservation concern and red listed by the RSPB. No skylark were recorded nesting within this area, though up to 15 pairs have been recorded for the wider site in 2016. Lapwing were actually nesting outside the site and buffer area, but recorded within it.

8.21 An updated Great Crested Newt Survey has been undertaken in 2016. All ponds within 250m of the development boundary were surveyed. These surveys revealed no evidence of GCN within the site or any of the ponds that were surveyed; however, smooth newt, common toad and frog were recorded during the surveys.

8.22 Surveys undertaken in 2014 for dingy skipper butterfly did not record this species but concluded that the habitat was suitable for dingy skipper. Suitable habitat for dingy skipper and other butterflies must be incorporated into habitat creation plans within the wildlife corridor and the northern buffer strip.

8.23 Members must consider the requirements of protected and priority species, in particular skylark, and whether these species have been adequately mitigated for as part of this development. Since the submission of this planning application, the applicant has worked proactively with the Council to try and address the initial concerns raised by the Council's Ecologist, the Northumberland Wildlife Trust (NWT) and the Natural History Society of Northumbria (NHSN). The applicant has agreed to provide a 40m landscaping/ecology to the north boundary of the wider employment allocation and also provide a financial commitment to mitigate for the impacts on skylark and farmland birds. A further re-consultation, with the necessary consultees, has been undertaken to advise them of this additional

mitigation proposed and whether this would overcome their objections. To date neither the NWT nor the NHSN have provided any further comments. Their objections are set out in full to the Appendix of this report.

8.24 The Council's Ecology Officer has been re-consulted. She has advised that without appropriate mitigation, the proposed development will result in the loss of skylark and farmland bird habitat, as well as amphibian habitat.

8.25 The Council's Ecology Officer has advised that the proposal for the wildlife corridor has taken into consideration the wider impacts of the business park on skylark and farmland birds generally and has shown a 40m buffer strip to the north of the development boundary. The northern buffer will be planted with habitats that are of benefit to farmland birds, amphibians and invertebrates. The applicant has confirmed that this northern buffer is within the development site and it does not form part of the existing valuable landscape strip to the north between this site and the Weetslade Country Park.

8.26 The objections raised regarding the impacts of the piecemeal development of this employment site on skylark and other farmland birds are noted. The applicant has agreed to enter into a Section 106 Agreement to provide a financial contribution to secure off site mitigation. The financial sum will be paid on a pro rata basis at a rate of £3, 500.00 per hectare of developed land. The Council's Ecology Officer agrees that this S106 Agreement will ensure that an adequate and fair contribution will be provided towards offsite mitigation for these species.

8.27 The site is located within the Gosforth to Cramlington Strategic Wildlife Corridor as identified through the Tyne and Wear Nature Conservation Strategy, linking important sites such as Gosforth Park SSSI up through to Weetslade and Arcot Hall. The north/south wildlife corridor will provide new habitats (e.g. hedgerows, tree and scrub planting, wet areas, wildflower meadows etc) and wildlife tunnels. These new habitats will benefit a range of wildlife. The wildlife corridor and wildlife tunnels are welcomed by the Council's Ecology Officer.

8.28 The Council's Landscape Architect has been consulted. He has advised that the success of the wildlife corridor will be dependent on a range of treatments and appropriate planting design. He has advised that a full landscape management and grounds maintenance plan should be conditioned. With regards to drainage to the tunnel, a 1m depth trench within Geotextile will be filled with clean stone to form a soakaway. This is situated at the bottom of the embankment and tunnel entrance. An additional measure consisting of a land drain is shown at the top of the embankment.

8.29 Members need to consider whether the proposed development is acceptable in terms of its impact on the existing wildlife whether the mitigation proposed meets the requirements of both NPPF and UDP policies. It is officer advice that the wildlife corridor proposed will create a network of habitats of value within the site of a greater value amenity than provided by the existing environment.

9.0 Other Issues

9.1 Newcastle International Airport (NIA) has been consulted. They have advised that there is general presumption against the creation of open water bodies within 13km of an aerodrome, which in relation to this scheme is NIA. This is due to the increased likelihood of bird strike as a result of habitat formation in close proximity to the flight path, when aircraft are typically flying at lower level giving departed or preparing for arrival at the aerodrome. They have advised that a bird strike risk assessment will be required with the potential for a bird hazard management plan. A condition is recommended to secure this.

9.2 NIA has also advised that certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. A condition is recommended to ensure that no more than quantities of greater than 10% of certain species are proposed.

9.3 In response to NIA's comments the application has advised that the intention of the landscape and planting plan for the wildlife corridor is not to create permanent ponds within the corridor.

9.4 As stated in the supporting Phase 1 assessment, Stage 1 of the corridor development will include the following: *'The design of landforms will allow the creation of shallow marshy grassland habitats to enhance local biodiversity and support species such as reed bunting'* and at Stage 2 *'Wetland habitats will have settled allowing assessment and precision planting of additional wetland plant species based on the resulting water levels and habitat types. These will be largely marshy grassland and swamp type habitats with species such as yellow flag, sedges, and Phragmites.'* The intention is, therefore, to create wetland habitats in the form of marshy areas rather than open water bodies.

9.5 Members need to determine whether the development is acceptable in terms of aviation safety.

9.6 Contaminated Land

9.7 The Contaminated Land Officer has been consulted. She has raised no objections.

9.8 Archaeology

9.9 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections.

9.10 Highways

9.11 The Highways Network Manager has been consulted. He has raised no objections, subject to a construction method statement being conditioned.

9.12 Financial Considerations

9.13 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

9.14 Economically there would be benefits in terms of the provision of jobs associated with the construction of the wildlife corridor.

10.0 Conclusion

10.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

10.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the business and other development needs of an area, and respond positively to wider opportunities for growth.

10.3 Members need to balance this against the benefits of the proposed scheme in terms of providing employment opportunities and consider whether the proposed scheme is acceptable in terms of its impact on ecology. It is the view of officers overall that the proposed scheme as it stands is acceptable.

10.4 Approval is therefore recommended.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application subject to the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received from Consultees, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;
-Off site mitigation for farmland birds, in particular skylark, to be paid to North Tyneside Council on a pro rata basis for the land developed for business use. This will be paid at a rate of £3, 500.00 resulting in a net payment of £100, 800.00 for the whole site. An initial payment would be incurred of £5, 250.00 for the 1.5 ha of land occupied by the wildlife corridor.

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Application form
 - Ordnance Survey plan (1:2500)
 - Landscape buffer Dwg No. IBP 02
 - Landscape proposals for Wildlife Corridor Dwg No. IBP 01 Rev E
 - Master Plan 1 Dwg No. 03 Rev C

-Master Plan 2 Dwg No. 04

-Master Plan Dwg No. 05

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. The development hereby approved shall be carried out in full accordance with the Amphibian Method Statement set out in Appendix 2 of the Great Crested Newt Survey Report (E3 2016).

Reason: In the interests of wildlife protection having regard to NPPF and Policy E12/6 of the North Tyneside Council Unitary Development Plan 2002.

4. No vegetation removal shall take place within the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has checked for the presence of nesting birds and these results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of wildlife protection having regard to NPPF and Policy E12/6 of the North Tyneside Council Unitary Development Plan 2002.

5. Notwithstanding Condition 1, prior to the commencement of any development, a detailed landscape plan, including corridor widths, planting details for any areas of ponds/water bodies, and a timetable for its implementation for the wildlife corridor and northern buffer shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Newcastle International Airport. These details shall include a range of habitats for wildlife. Thereafter, the development shall only be carried out in accordance with these agreed details. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of wildlife protection having regard to NPPF and Policy E12/6 of the North Tyneside Council Unitary Development Plan 2002.

6. Notwithstanding Condition 1, prior to the commencement of any development, details of wildlife tunnels within the wildlife corridor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with these agreed details

Reason: In the interests of wildlife protection having regard to NPPF and Policy E12/6 of the North Tyneside Council Unitary Development Plan 2002.

7. Notwithstanding Condition 1, prior to the commencement of any development, drainage details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with these agreed details

Reason: In the interests of wildlife protection having regard to NPPF and Policy E12/6 of the North Tyneside Council Unitary Development Plan 2002.

8. Notwithstanding Condition 1, prior to the commencement of any development, a detailed Management and Maintenance Plan for the long term management of the wildlife corridor, wildlife tunnels and northern area shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of wildlife protection having regard to NPPF and Policy E12/6 of the North Tyneside Council Unitary Development Plan 2002.

9. Notwithstanding Condition 1, prior to the installation of any proposed flood alleviation scheme in the form of SUDS Ponds and Swales, these details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Newcastle International Airport. These schemes must be designed in accordance with aerodrome safeguarding best practices and a bird strike risk assessment and if necessary a bird hazard management plan.

Reason: In the interests of aviation safety.

10. Construction Method Statement

SIT05

*E12/6 and E14

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

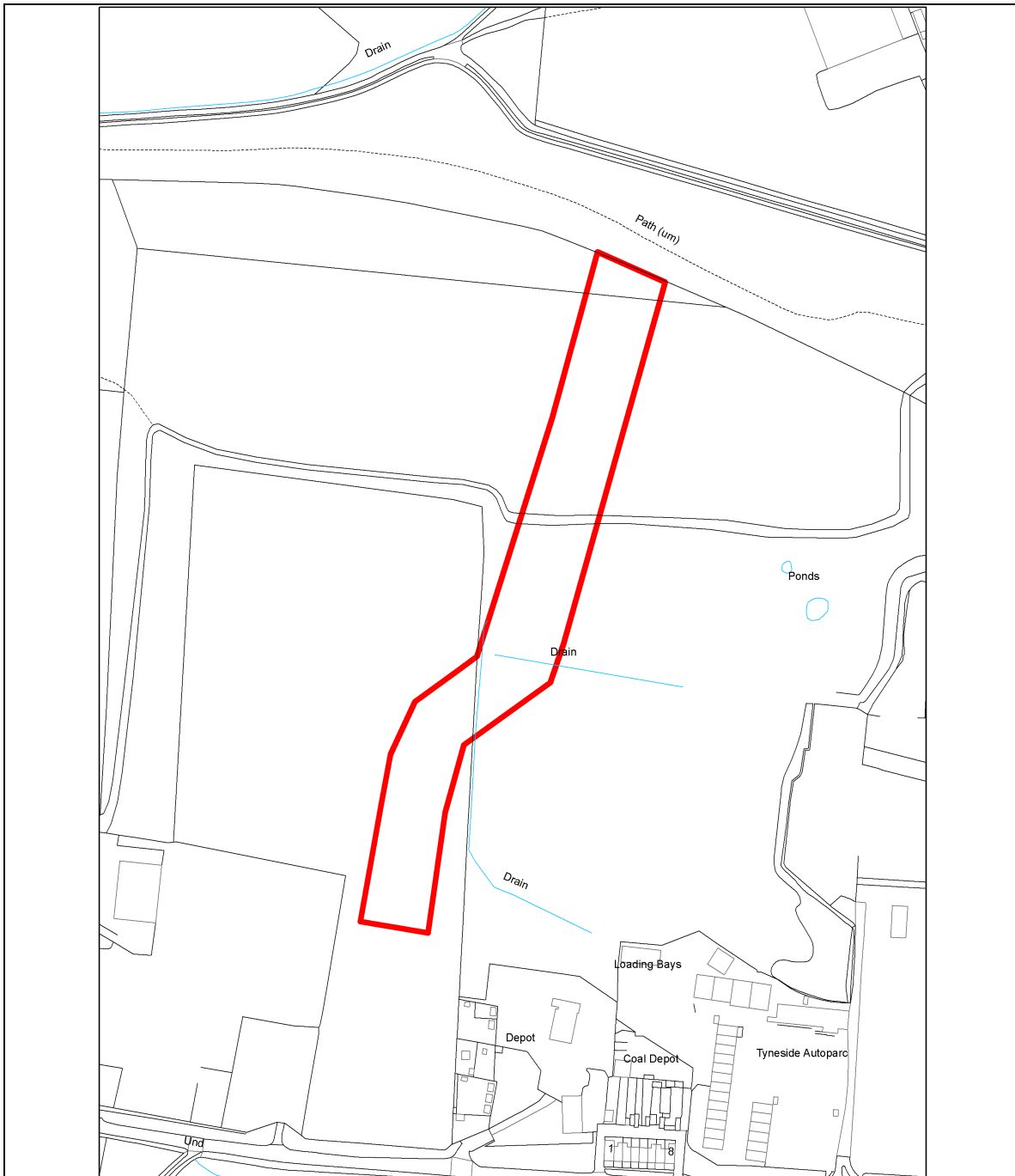
Informatives

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees, hedgerows and shrubs within the development and neighboring land.

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlp (I46)

Any material removed off site will require WAC testing to ensure it is disposed of at a suitably licensed facility.



Application reference: 16/00646/FUL

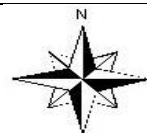
Location: Land At Weetslade Colliery, Great Lime Road, Dudley

Proposal: Installation of wildlife corridor including engineering operations to create landforms and shallow wetland habitats and details of wildlife tunnels (Amended plan received 21.7.16 - inclusion of buffer to north boundary and ecology compensation).

Not to scale

Date: 11.08.2016

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Consultations/representations

1.0 Internal Consultees

1.1 Landscape Architect

1.2 Existing Site Context

1.3 The area of land proposed for the Wildlife Corridor (WC) is located immediately north of Gosforth Park and Sandy Lane (A1056) trunk road, which runs along the course of its northern boundary. The general land use in the surrounding area comprises a mosaic of agricultural land, built development, road infrastructure, amenity grasslands and extensive mature woodland. The immediate area of the proposed corridor is dominated by agricultural land and sparsely vegetated brownfield land with industrial development present to the east and west. The site has some designated sites (Local Nature Reserve) nearby with Weetslade Country Park and Annitsford Pond to the north and the Gosforth Wood (SSSI) to the south. These collective components form the basis of a designated WC on the North Tyneside Council's UDP map. The existing site area falls partly within a strategic WC, which links Weetslade Country Park to the north and Gosforth Park to the south as well as two linking wildlife corridors, which run north from the A1056 (Sandy Lane).

1.4 The proposed scheme aims to provide a Wildlife Corridor (WC) through the heart of the proposed (Indigo) industrial and business development planned for the north side of the A1056 Sandy Lane.

1.5 The submitted documents show (3no) Master Plan options with regard to the layout and other associated documents detailing proposals for planting, species schedule and design as well as habitat creation, mounding of landform and wildlife tunnel(s).

1.6 Master Plan (Options 1-3)

1.7 In terms of the Wildlife Corridor (WC) layout, all three options appear short of the essential information and detail required to proceed with any informed decision on the overall suitability of the landscape design in terms of WC creation and its route connectivity. At this stage it would be preferable to identify the strategic issues relating to wildlife within the broader context and the phasing and implementation of the WC works in relation to the formalised (amenity) planting opportunities across the proposed (Indigo) site. This process should improve and extend the overall strategic bio-diversity of the built environment area without limiting it to a WC channel. It is understood that this will be dependant on (Indigo) site layout and the future planning requirements and the general (zonal) landscape infrastructure. These opportunities should manifest through the landscape design relating to the adjacent built form, such as grassed/wildflower meadow areas, informal native herbaceous/shrub planting, hedgerows and tree groupings, naturally linking to and enforcing the WC.

1.8 All Landscape Comments should be read in conjunction with the North Tyneside Council Ecology Team (officer comments) so that a holistic and authentic scheme can be planned and successfully delivered.

1.9 Any net loss of biodiversity, which is contrary to the National Planning Policy Framework (Paragraph 118 of NPPF) principles to conserve and enhance biodiversity would be contrary to the intention of the guidance (NPPF).

1.10 Planting Design (Landscape Proposals For Wildlife Corridor)

1.11 The success of the WC scheme will be dependent on a range of treatments and appropriate planting design (appropriate local provenance and native plant materials) but also the protection and establishment measures in relation to the planted material should be submitted for consideration. This may also include individual and boundary 'protective fencing' to enable the successful establishment of a recognisable corridor 'effect' and the subsequent ecological aims of the proposal. A full landscape management and (development site) grounds maintenance plan should also be provided detailing all the proposed landscape operations and intervals required, to ensure a successful (ecological) landscape scheme is eventually established and delivered.

1.12 Wildlife Tunnels (Supporting Ecological Statement)

1.13 There is a strategic question as to where these features may be used within the context of the overall scheme and the envisaged WC circulation pattern. These comments therefore confine themselves to the utilitarian nature of the design requirements and brief.

1.14 The details show the tunnel (pipe) arrangement and ancillary arrangements in terms of the overall construction. The entrance and exit arrangements do not appear to show how this will surface in the information provided. Will there be a free-draining capability in relation to the pipe bedding and surround to prevent excessive water ingress and longer-term flooding and/or holding of water in the pipe.

1.15 Mounding/Ponds and Riparian Habitats (Supporting Ecological Statement)

1.16 Should consider height and overall spread/size (incorporating planting) to maximise and provide strategic local screening and privacy in relation to the integrity of the proposed and developing habitat(s) in the context of the overall landscape scheme.

1.17 Advisory Note

1.18 The following document(s) provide further advice on the creation of green infrastructure in relation to habitat creation within the context of a business environment.

1.19 Landscape Institute Publications: Green Infrastructure (March 2013) and associated documents.

1.20 All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees, hedgerows and shrubs within the development and neighboring land.

1.21 Contaminated Land Officer

1.22 I have no objection in principle.

1.23 The proposed development is underlain by the former Burradon Colliery (Lizzie pit). Any material removed off site will require WAC testing to ensure it is disposed of at a suitably licensed facility.

1.24 Highways Network Manager

1.25 This application is for the installation of a wildlife corridor including engineering operations to create landforms and shallow wetland habitats and details of wildlife tunnels. There are no objections in principle subject to a condition for construction management.

1.26 Recommendation - Approval

1.27 Condition:

SIT05 - Construction Management

1.28 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.29 Ecology Officer

1.30 The above application for the development of a wildlife corridor and associated road infrastructure on land at Weetslade Business Park (Indigo Business Park), is proposed on land that is within a strategic wildlife corridor and contains valuable brownfield habitat supporting farmland birds, in particular, skylark.

1.31 Without adequate mitigation, the scheme could result in an adverse impact on biodiversity which would be contrary to NPPF. An assessment of the impacts of the scheme on protected and priority species should be undertaken in line with current legislation, to ensure that adequate mitigation is provided to offset any impacts.

1.32 Protected Species Assessments

1.33 Breeding Birds

1.34 Surveys undertaken on the Indigo Business Park site on behalf of the Council in 2014 found 14 species of breeding bird using the development site, 8 of which were S41 NERC priority species (UK BAP) as well as being red listed under the Birds of Conservation Concern (BOCC), examples include skylark, yellowhammer, linnet and lapwing. Of these, significant numbers of skylark were found to be breeding within the development site with the report assessing the density of the breeding skylark as above the national average for this habitat type. An updated breeding bird survey undertaken by E3 in 2016 for the development footprint and a 50m buffer area (dates unknown) has supported the above conclusions regarding the wider sites importance for skylark, with up to 15 pairs being recorded in 2016 (although skylark were not recorded within the corridor strip itself). However, this information supports the fact that this is an important breeding area for skylark and the impacts on this species need to be adequately mitigated in order to meet the requirements of NPPF.

1.35 Paragraph 118 of NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

“if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”

1.36 Defra has recently published guidance (Feb 2016) on protecting and providing habitat for wild birds aimed at Local Authorities; it states that:

“You must, as part of your existing duties as a competent authority, take the steps you consider appropriate to preserve, maintain and re-establish habitat that is large and varied enough for wild birds to support their population in the long term”. This includes, “consider bird populations when consulting on or granting consents, such as planning permissions”.

1.37 European Protected Species (Great Crested Newt)

1.38 Great Crested Newt (GCN) surveys were also undertaken by ecological consultants in 2013 and 2014 on behalf of the Council. The 2013 survey by Capita Symonds noted a number of ponds, ditches and other features within and surrounding the development site with potential for GCN. Further detailed survey undertaken in 2014 by Open Space on behalf of the Council, noted that all ponds and ditches within the business park development site had an average to good Habitat Suitability Index score (HSI) for GCN (0.6-0.75) concluding that there were a number of ponds with potential for GCN within 500m of proposed development on this site. The full GCN surveys revealed that GCN were breeding within pond 2 outside of the development site and one male GCN was found in pond 9 within the north west of the development site but not breeding. Other amphibians (smooth newts, common toad & common frog) were found in all the ponds and ditches located throughout this site and the report concluded that Pond 2 and 9 are likely to be used as part of a metapopulation in the area with previous records indicating other ponds within 500m of this site being used by GCN.

1.39 In order to provide up to date survey data regarding great crested newts (as recommended from previous survey reports) and to ensure that an offence is not committed under the ‘Conservation of Habitats & Species Regulations’ 2010 and the Wildlife & Countryside Act 1981 (as amended), an updated GCN survey was undertaken by E3 in 2016.

1.40 All ponds within 250m of the development boundary were surveyed using bottle trapping, egg search and torching surveys, whilst those ponds more than 250m from the boundary were assessed using eDNA survey. The aquatic surveys and eDNA results revealed no evidence of GCN within the site or any of the ponds that were surveyed, however, smooth newt, common toad and frog were recorded during the surveys.

1.41 Whilst no GCN were recorded and it is considered unlikely that any of the ponds would be used for breeding, the report states there is a low residual risk that occasional GCN may use the site at times during their terrestrial phase. It is

therefore, proposed that all works be undertaken to an appropriate amphibian method statement to minimise the risk of harm to amphibians.

1.42 Butterfly/Dingy Skipper Survey

1.43 Surveys undertaken in 2014 by OpenSpace for dingy skipper butterfly, did not record this species but concluded that the habitat was suitable for dingy skipper. A small number of common butterflies were recorded including wall butterfly which is a S41 NERC priority species. Suitable habitat for dingy skipper and other butterflies, therefore, needs to be incorporated into habitat creation plans within the wildlife corridor and northern buffer strip.

1.44 Mitigation

1.45 Without appropriate mitigation, the above scheme will result in the loss of skylark and farmland bird habitat as well as amphibian habitat.

1.46 The requirements of protected and priority species, in particular skylark, must be taken into account and adequately mitigated for as part of any development plans. The proposal for the wildlife corridor has taken into consideration the wider impacts of the business park on skylark and farmland birds generally and has shown a 40 metre buffer strip to the north of the development boundary that will be planted with habitats that are of benefit to farmland birds, amphibians and invertebrates. This 40 meter buffer strip must be located within the red line boundary of this development site and not part of the existing valuable landscape to the north between this site and Weetslade Country Park.

1.47 Concerns were raised about the impacts of the piecemeal development of the Indigo site on skylark that would potentially result in a net loss in biodiversity for this species. To mitigate for the impacts on skylark and farmland birds across the whole site, it has been agreed that a sum will be paid to North Tyneside Council on a pro-rata basis for land developed on this site, through a S106 legal agreement. This will be paid at a rate of £3,500 per ha of land developed and will be used to provide off-site mitigation for skylark on Council land (or other appropriate land). This agreement will ensure that an adequate and fair contribution will be provided towards offsite mitigation for these species.

1.48 The wildlife corridor which forms the basis of this application will provide new habitats (e.g hedgerows, tree and scrub planting, wet areas, wildflower meadows etc) of benefit to a range wildlife, which is welcomed. This corridor shows a number of roads across the corridor to service future development of the site and these have been designed to incorporate wildlife tunnels to aid wildlife movement which I am happy to see. The site is located within the Gosforth to Cramlington Strategic Wildlife Corridor as identified through the Tyne & Wear Nature Conservation Strategy, linking important sites such as Gosforth Park SSSI up through to Weetslade and Arcot Hall in the North. The provision of wildlife corridors , and other biodiversity provision both on and off site is welcomed. Officers will continue to work with the developers to maximise the potential of the provision through the discharge of planning conditions and the S106 agreement.

1.49 Conditions

- All works on site will be undertaken in line with the Amphibian Method Statement set out in Appendix 2 of the Great Crested Newt Survey Report (E3 2016).
- A funding agreement for off-site skylark mitigation for the entire Indigo development site, set out in an agreed S106 legal agreement.
- A 40 metre buffer zone to the north of the development site within the red line boundary, landscaped to provide a range of habitats for wildlife that is agreed by the Council.
- Detailed landscape plans for the northern buffer zone and the central wildlife corridor must be submitted to the Local Authority for approval prior to development commencing.
- Details of wildlife tunnels within the wildlife corridor must be submitted to the Local Authority for approval prior to development commencing.
- A detailed Management and Maintenance Plan for the long term management of the wildlife corridor, wildlife tunnels and northern buffer area must be submitted to the Local Authority for approval prior to development commencing.
- Drainage details for the development must be submitted to the Local Authority for approval prior to development commencing.
- No vegetation removal should be undertaken during the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Tyne and Wear Archaeology Officer

3.2 The site was of industrial archaeological interest because it was Weetslade Colliery.

3.3 However the archaeological work was finished in 2005.

3.4 Natural History Society of Northumbria (NHSN)

3.5 We are objecting to the continued piecemeal development of this site which runs contrary to good planning practice. For several years now we have been stressing the need for a supplementary planning document for the development of this large site so that it can be developed in a way which will not result in an overall net-loss of biodiversity, and thus satisfy NPPF.

3.6 The lack of proper planning for this site has led us to object to application 15/01352/FUL Access Road Sandy Lane and to object to the draft Core Strategy and now to object to this application.

3.7 This application strengthens our argument that as things stand this site will be developed on a piecemeal basis (this is the second piecemeal application for the site) and will therefore result in overall biodiversity loss, contrary to NPPF.

3.8 We would welcome a wildlife corridor similar to the one proposed in this application, as part of a supplementary planning document that also sets out the requirement for developer contribution towards off-site mitigation for the loss of a significant population of breeding Skylark and other species of conservation concern (Yellowhammer, Linnet, Lapwing) and also a habitat buffer adjacent to

Weetslade Country Park Local Wildlife Site (LWS). We understand the need for the developable area to be flexible and have no problem with that providing biodiversity safeguards are in place.

3.9 We are aware that ecological surveys have already been carried out on this site on behalf of the Council and so you are fully aware of its biodiversity value. We have also made visits.

3.10 We would recommend that biodiversity offsetting is used to agree a level of mitigation required across the whole site and that each development parcel that comes forward would make a contribution to the overall mitigation based on the % of site occupied. Along with the wildlife corridor and a habitat buffer this would ensure that there is no overall net loss of biodiversity. This would also have the advantage of providing developers with certainty over the contribution that they would have to make and avoid objections from wildlife groups.

3.11 In addition to objecting to the principle of piecemeal development we also have other concerns about this application.

3.12 Uncertain design: It is unclear from the three “masterplans” submitted at this stage the applicant does not know where or how many road crossings will split the corridor. We have to assume that the corridor will be created/planted and then subsequently the habitat will be damaged to build roads across it. It seems strange that a developer would create a habitat/wildlife corridor and then damage it – which they would then have to mitigate for.

3.13 Because it is uncertain how many roads there would be it is difficult for the Council to make an informed judgement on whether this corridor would meet the planning requirements to retain a wildlife corridor through the site.

3.14 Habitats not suitable for species present on site: There are several available employment sites in North Tyneside which have remained undeveloped for over 20 years. This has to be taken into account when considering this application. If the wildlife corridor is created but the rest of the site remains undeveloped the habitats in the corridor will displace the Skylark population already present on the site (i.e. it is the wrong habitat for that species). This is further evidence as to why this application is premature. Given that this is a risk we would expect to see the wildlife corridor planted in a way which would not have a detrimental impact on Skylark (i.e. meadow instead of trees).

3.15 We do support the principle of a wildlife corridor similar to the one on this application and we are pleased that the need for this has been recognised by the developer and they have acted positively to provide one. However, this should be part of an outline plan or supplementary planning document for this site which includes biodiversity offsetting and a habitat buffer. Only then can the Council assess whether the development overall meets the requirements of NPPF requirement for no net biodiversity loss.

3.16 We would recommend that this application is withdrawn and the plans re-used as part of a supplementary planning document for the site – with any

application for a wildlife corridor submitted alongside the first development that comes forward when there is more certainty about the future road layout.

3.17 Comments received from a Member of the NHSN

3.18 My attention has been drawn on several occasions to planning applications that are in the area surrounding Gosforth Park Nature Reserve. As a professional engineer, I fully understand the need to allow developments of both industrial and domestic nature to meet the ever developing needs of our society. It is open to us professional engineers and a requirement of our membership of professional institutions to take account of the social, environmental and safety issues as well as the engineering and commercial aspects. So I would strongly recommend to you, that before considering any plans, organisations who intend to build around Gosforth Park should be able to explain the impact of their plans on the adjacent area and the local wildlife. Also they should be able to demonstrate that the implementation will be led and controlled by professionally qualified people. I believe it is important that the organisations proposing these developments are able to field representatives accountable to their professional institutions to ensure that their companies follow ethical as well as commercial routes. There are many examples of companies in our region who conduct both business and conservation as hand in glove activities. I think these should be used as benchmarks to all who propose to build in or close to the green belt.

3.19 The points that you should be making to these developers are not only the impact on adjacent areas but also the impact of adjacent areas on them. In the case of Gosforth Park, I am led to believe that the issue of wild life corridors has been recognised and is very important. Many species migrate between breeding, wintering and feeding grounds and their success is based on having habitat in more than one place and safe routes between.

3.20 I believe Gosforth Park Nature Reserve has been created and maintained by creative and far thinking supporters of the greater good of Newcastle upon Tyne and Northumbria and I would ask that you and the developers listen and engage so that future plans make our regional environment even better.

3.21 I have to say that if these organisations are unable to present sustainable plans that improve the conditions for wildlife, not just the threatened and delicate species, but our much loved flora and fauna that depends on our protection, then I must object to such developments in an area that my family enjoys and uses for leisure activity on many occasions.

3.22 Northumberland Wildlife Trust (NWT)

3.23 Northumberland Wildlife Trust would like to object to the above application for the reasons laid out below.

3.24 NWT, alongside NHSN, have raised our concerns, on successive occasions, over piecemeal development of this site and the need for a supplementary planning document that will allow for development that does not in overall net-loss of biodiversity, and thus satisfy NPPF.

3.25 The lack of proper planning for this site has led us to object to application 15/01352/FUL Access Road Sandy Lane and to object to the draft Core Strategy and now to object to this application.

3.26 Given that this is the second application for the site, the indication is that the site is being developed in a piecemeal fashion. This does not allow for the assessment, or mitigation, of the incremental loss of biodiversity on site. Using the EIA regulations as guidance, it is not best practice to develop a site in this way, particularly given the site's importance to the adjacent wildlife sites (Gosforth Park SSSI and Weetslade Local Wildlife Site). NWT would like to see the EIA screening that has assessed whether or not this site/application requires an EIA.

3.27 NWT has two major concerns over the biodiversity impact of the site; firstly the impact on farmland birds, as NWT is aware of the significant numbers of species such as skylark, linnets and lapwings; and secondly the impact of the development on Weetslade Country Park LWS and Gosforth Park SSSI. The provision for a wildlife corridor goes some way to addressing our concerns over the impacts on the adjacent wildlife sites, however without this being part of a larger plan for the site, and without firm information on road construction etc., we consider that this application should be part of a wider plan for the site.

3.28 We appreciate the need for flexibility for the development of the site; however we would expect to see the areas for wildlife corridors fixed and then development to take place around this.

3.29 We do not consider that a piecemeal approach can adequately mitigate for the loss of farmland bird habitat. We therefore suggest that as each development parcel comes forwards it would make a contribution to the overall mitigation based on the percentage of site occupied.

3.30 Along with a wildlife corridor and a habitat buffer this would ensure that there is no overall net loss of biodiversity.

3.31 I hope these comments are useful. Please do not hesitate to the Trust should you require any further information.

3.32 Newcastle International Airport (NIA)

3.33 The proposal has been assessed by the aerodrome safeguarding team and I have the following comment to make.

3.34 SUDS Ponds

3.35 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIA. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. The SUDS ponds as proposed would be required to undergo a bird strike risk assessment with the potential for a bird hazard management plan. It does not appear that this has been considered as part of this submission. Until such times that I was provided with this document I would object to this scheme. Should you wish to condition

this work, with the potential design of the scheme to be amended as a result of the findings of the risk assessment, I would be happy for you to do so. A suggested condition is below.

Notwithstanding the approved plans, any proposed flood alleviation scheme in the form of SUDS Ponds and Swales, should be designed in accordance with aerodrome safeguarding best practices and should be approved in writing by the local planning authority, in consultation with Newcastle International Airport. Reason: In the interests of aerodrome safeguarding

3.36 Landscaping

3.37 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site. I would require confirmation from the developer

<i>Berberis spp</i> Barberry	<i>Ilex aquifolium</i> Holly
<i>Cotoneaster</i>	<i>Sorbus aucuparia</i> Rowan
<i>Crataegus monogyna</i> Hawthorn	<i>Viburnum</i>
<i>Aucuba</i>	<i>Pernettya</i> Prickly Heath
<i>Buddleia</i> ¹	
<i>Prunus avium</i> Wild Cherry	
<i>Callicarpa</i> Beauty Berry	<i>Pyracantha</i> Firethorn
<i>Chaenomeles Japonica</i>	<i>Rhus</i> Sumac
<i>Clerodendrum</i>	<i>Ribes</i> Ornamental Currant
<i>Danae</i> Butcher's Broom	<i>Rosa canina</i> Dog Rose
<i>Daphne</i>	<i>Sambucus nigra</i> Elder
<i>Euonymus</i> Spindle	<i>Skimmia</i>
<i>Hypericum</i> St John's Wort	<i>Stranvaesia</i>
<i>Lonicera</i> Honeysuckle	<i>Symphoricarpus</i> Snowberry
<i>Mahonia</i>	<i>Taxus</i> Yew
<i>Malus</i> Crab Apple	

3.38 I would require confirmation from the developer as to the species mix within the landscaping scheme, verifying that the above parameters would be met. This could be conditioned.