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Hybrid planning application comprising 1) Application for full planning permission for the erection of a commercial building for the immediate expansion of Sylatech (Phase 1), together with the reorganisation of the existing car park, formation of new access from West Lund Lane, parking and landscaping. 2) Full planning permission for the erection of 67no. dwellings together with new access from West Lund Lane and associated parking, landscaping and drainage works. 3) Outline planning permission for the extension of the first phase building (Phase 2) with further commercial development to the East of West Lund Lane (Phase 3). Approval sought for access only. 4) Full planning permission for works to West Lund Lane and the former railway bridge.

Thank you for consulting the NYCC ecology team regarding this application, which is supported by a clearly presented Ecological Impact Assessment (EcIA). The proposed development would have significant ecological impacts as summarised in Table 11 of the EcIA, including loss of 4.1 hectares of agricultural grassland (not a priority habitat), removal of three hedgerows in whole or in part with loss of 8 mature Ash trees and culverting of 70 metres of ditch. We would like to submit the following comments:

Demonstrating biodiversity net gain

Unfortunately, the balance of losses and gains for biodiversity has not been demonstrated objectively in the EcIA. We strongly recommend that the DEFRA Biodiversity Metric 2.0 is used to quantify losses and gains, in order to show whether the proposed development complies with the NPPF requirement to ensure no net loss of biodiversity and deliver net gain where possible.

Impact on hedgerow trees

The hedgerows adjoining the proposed development site, on Gawtersyke Lane and West Lund Lane, contain numerous mature trees (mainly Ash), some of which would be removed or otherwise impacted by the development. The botanical composition of the hedges was assessed in the EcIA, and surveys indicated an absence of bat roosts in affected trees. However, our advice is that the ecological assessment does not give sufficient weight to the value of hedgerow trees or their position in local ecological networks, nor are any meaningful mitigation or compensation measures offered. Paragraph 7.5.3 of the EcIA concludes that the affected hedgerows are only significant in a site context and "therefore no compensation or

mitigation measures are proposed": we **strongly refute** that assessment. Mature hedgerow trees have ecological significance beyond whether they provide specific habitats for protected species.

Gawtersyke Lane and West Lund Lane are set within a distinct landscape of permanent pastures with well-timbered hedgerows on the south-western fringes of Kirkbymoorside. To the west of West Lund Lane, some of the hedgerows are larger and less regularly managed than those bordering the application site, thus providing a range of hedgerow habitats. On a brief visit in early April 2021, Red List bird species associated with hedgerow trees in this area included Mistle Thrush, Starling and Tree Sparrow.

Lost Ash trees cannot readily be replaced because Ash Dieback precautions mean that this species is not currently available for planting. Moreover, any tree and shrub planting within the development site is likely to take several decades to acquire comparable biodiversity value to old hedgerow trees. We would there expect to see bespoke mitigation for the loss of mature hedgerow trees. For example, a fund to plant new native hedgerow trees in surrounding parishes might be considered.

Similarly, the hedge which separates the two fields (Hedge 3 in the EcIA) is assessed as being species-poor and defunct. While this is true, it also contains open-grown Hawthorns of considerable age[1]. These provide resources such as dead and decaying wood as well as abundant blossom, which would not be readily compensated for.

Again, we would expect to see specific mitigation and compensation measures, such as the incorporation of open-grown, native provenance Hawthorns into the site landscaping scheme and placement of felled timber within areas of new planting, so that it continues to provide a short-term resource for saproxylic (wood decay associated) invertebrates.

<u>Impact on Great Crested Newts</u>

Great Crested Newt (GCN), a European Protected Species, occurs in a number of nearby ponds. The implications of the proposed development for this species are assessed in detail in the EcIA. Based on the information provided, the conclusions of this assessment seem broadly reasonable and our advice is that, subject to the Mitigation Strategy outlined in the report, the proposed development would be unlikely to jeopardise the survival of the local GCN population. The application therefore meets the test set out in Regulation 55(9)(b) of the Conservation of Habitats & Species Regulations 2017 that, "the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

However:

- There may be greater likelihood of Great Crested Newts dispersing into the grassland south of the old railway line than the EcIA implies. The species' presence in the adjoining ponds in the recent past and the long history of GCNs using the processing

[1] although there were a series of enclosure agreements relating to Kirkbymoorside, field boundaries on West Lund Lane presumably date to the 1793 Enclosure Award

ponds increases the likelihood that some adults remain in the vicinity even if Ponds 1 & 2 were not used for breeding in 2020. We would therefore expect the area proposed for future commercial development to include a suitable buffer zone alongside the former railway line.

- Due to the dispersed location of ecological mitigation/enhancement proposals such as tree and shrub planting, these are unlikely to provide much benefit to the local GCN population and their potential value should not be over-stated. Provision of new pond habitat would be more efficacious, preferably in proximity to ponds 1 & 2.

Kind regards,
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(please note I normally work Monday to Wednesday