

Wiltshire Council Planning Consultation Response

ECOLOGY

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Date: 04/11/20; [22/11/2022](#)

Application No:	20/05805/OUT and 20/03641/OUT; 1. PL/2022/05426 2. 20/03641/OUT
Proposal:	100 dwellings / 100 dwellings and a care home Revised: 1. PL/2022/05426 : Development of 82 Dwellings, public space, and associated works with access via the A363. 2. 20/03641/OUT : Outline application for up to 91 dwellings, landscaping, green infrastructure, associated drainage measures and vehicular access from the A363 as well as all associated works. Matters to be considered: Access into the site.
Site Address:	Land next to White Horse Business Park now covering: 1. Land South-West of White Horse Business Park, Trowbridge, Wilts 2. Land South of White Horse Business Park, Trowbridge, Wilts
Case Officer:	David Cox

Recommendations:

	No Comment
	Support
	No objection
	Condition (no objection subject to condition)
x	Objection - further information required
	Objection in principle
x	HRA required

Matters Considered:

[Reports/Plans submitted.](#)

[PL/2022/05426](#)

[Ecological Impact Assessment \(NPA, 25/03/2020\)](#)

[Ecology Addendum \(NPA, 29/06/2022\).](#)

[Joint Ecology Parameters Plan, Drwg. No. 10996 NPA ZZ ZZ DR Y 1202. Rev. P02 \(NPA, 29/06/2022\)](#)

[Lighting Impact Assessment \(The Lighting Bee, 12.09.2022\).](#)

Ecology Technical Note (NPA, October 2022).
Illustrative Landscape Sections A & B (NPA, 28/06/2022).

20/03641/OUT

Ecological Impact Assessment (NPA, April 2020)

Ecology Addendum (NPA, 31/01/2022)

Joint Ecology Parameters Plan, Drwg. No. 10996 NPA ZZ ZZ DR Y 1202. Rev. P02 (NPA, 29/06/2022).

Arboricultural Impact Assessment (AIA) (Greenman, Feb, 2020)

22/11/2022 Further comments provided in Table below

Appropriate Assessment

These two developments will be screened into appropriate assessment in relation to the Bath and Bradford on Avon Bats SAC. I've provided joint comments for both applications in relation to the TBMS compliance criteria below. The HRA for the WHSAP concluded that compliance with the TBMS would be sufficient to demonstrate applications would not lead to adverse effects alone and in combination with other plans and projects. Non-compliance would lead to uncertainty, not only in relation to these specific applications but in relation to the remaining Trowbridge sites in the plan.

Compliance against TBMS criteria

Further Comments 22/11/2022 in Table below.

	TMBS criteria	Details provided for Application
1	Surveys should be completed: • In accordance with Council pre-application advice if provided • In accordance with BCT Good Practice Guidelines and the specifications described in Section 6 (p25-28) of the TBMS • Could mating sites have been overlooked (survey April and October for male roosts)	Criterion not met. While surveys for both applications meet the criteria, interpretation of data is inadequate to support either application. Box plots and pie charts are useful, but data also needs to be tabulated for GHS, LHS and <i>Myotis</i> sp i.e. collate numbers of bat passes for each species at each station by month. See applications 20/07751/FUL and 18/10035/OUT for examples. Further presentation of data provided. Interpretation of data needs to integrate findings of habitat survey, bat transects and static surveys for all three landholdings at this allocation and make reference to timings of bat passes to determine: 1. Existing key flight lines for SAC species across the entire allocation, considering where bats may be entering and leaving the site and the most likely routes for autumn migration/swarming by Bechstein's and horseshoes. Most areas of Core Bat Habitat have been mapped but V2 and C5 are not mapped as Core Bat Habitat yet statics in these areas have recorded all three species, especially <i>Myotis</i> spp.,

		eg. V2 – 20 passes per night in June and C5 – 6.5 passes in May. Due to <i>Myotis</i> spp. quiet calls, these areas are likely to be under recorded for these species. The Ecology Addendum (para 2.1.1) acknowledges the initial consultation request for areas of Core Bat Habitat to be defined: <i>...areas of Core Bat Habitat (as defined by the Trowbridge Bat Mitigation Strategy) to be defined.</i> The definition in the TBMS (para 48) states: <i>the term 'core bat habitat' is used to distinguish habitat which has been shown through surveys, or is otherwise assumed, to be used by one or more of the SAC bat species and which is therefore required to be retained, protected and buffered in accordance with this strategy.</i> Details of bat static results included, but analysis of transect data appear to be missing. 2. The likelihood of horseshoe roosts occurring nearby off site and the routes onto the site from these. Static detector results reveal a large number (average of 600+ passes) of greater horseshoe bats per night in October. Timings approx. 101/120mins after dusk. 3. The likelihood of Bechstein's roosts occurring on and nearby off site both currently and in the future as existing trees mature. This is not discussed. With respect to trees, the Ecology Addendum for 20/03641/OUT states that no trees on-site have more than low bat roosting suitability, although the Bat Survey Plan (Figure 2 in the Ecological Impact Assessment) indicates two trees with bat roost potential. It is expected that trees with any suitability are fully justified and are marked up on the relevant plans. There are a number of trees detailed in the Arboricultural Impact Assessment Report submitted to support 20/03641/OUT that have deadwood (mature oak (T44) along C4), major wounding on stem (ash T65), major deadwood (horse chestnut T6). Please confirm all trees have been assessed for their suitability to support roosting bats. In terms of PL/2022/05426, there doesn't appear to be an Arboricultural Impact Assessment?
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		However, several trees are marked up on the Bat survey Plan in the Ecological Impact Assessment as having 'moderate and high potential'. All trees with suitability for roosting bats need to be fully justified and marked up on the relevant plans. 4. The likelihood of each species using the site for foraging, identifying the most important habitats at different times of year taking full account of the use of long grass and grazed pasture by greater horseshoe bats in particular. Not discussed. Please revisit and provide further analysis of data collected. 5. How the site relates to offsite areas including Elm Grove in particular as well as other land and including potential roosts off site. Not discussed. Please revisit and provide further details. 6. For all of the above, a precautionary approach must be taken in view of the incomplete picture presented by the data set, otherwise further survey may be required. This information must be used to identify Core Bat Habitat as defined in the TBMS across the whole allocation. This information must demonstrably inform the whole allocation masterplan. Without this sequential approach to master planning it will not be possible to conclude the appropriate assessment favourably. Not all Core Bat Habitat has been mapped (see comment above). Furthermore, buffers provided on C4 <u>do not</u> meet TBMS criteria? In terms of static detector data, the results highlight a number of questions. For example, Louisa's asked whether mating sites could be overlooked? The static detector data revealed an average of 600+ greater horseshoe passes in October along V5 between 101/120 mins after dusk. This information needs to be given further consideration. The Ecology Addendum states that this is unlikely to indicate an important GHS roost nearby, however the applicant needs to give this further thought because these are significant numbers. It may help to look at Bat Survey data for adjacent applications. Could there be a mating or swarming site close by? Furthermore, a relatively large number of <i>Myotis</i> spp. passes were recorded in June, July, August, September and October along C4, C5, C6 and V5 and this highlights these areas are important. Are
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		these routes likely to be used for foraging or commuting or both. If these records are foraging records linked to Trowbridge Woodlands to the south of the site, is this habitat important for <i>Myotis</i> juveniles? If foraging over grassland what mitigation is being offered. Please provide additional assessment/analysis of data.
2	Masterplan to be provided which covers entire allocation (referenced in WHSAP housing policies) and identifies: • Core Bat Habitat features • That sufficient land can be set aside to achieve 100% mitigation for loss of habitat due to development footprint • The maximum quantum of residential units for the whole allocation	Criterion not met. The Wider Site Allocation Masterplan does not cover these three bullet points. Written confirmation that the third landowner is signed up to the masterplan is required before the appropriate assessment can be concluded. The use of land at the southern end of the allocation needs to be controlled through inclusion in the red or blue land associated with a planning application. This site needs to be fully integrated into the design of the allocation. Discussions between the three landowners have been unable to resolve the issues and therefore the land to the south of the allocations is no longer being considered as integral to the schemes. The quantum of development at each allocation and for Trowbridge as a whole was assessed through the HRA for the WHSAP. This allocation is anticipated to provide a prime flight line for bats moving between roosting habitat and the SAC and this correlates with data emerging for Lambrook stream. This route must be preserved taking all due precautionary measures needed to compensate for lack of detail afforded by the surveys. Significant deviation from the 175 dwellings anticipated in the WHSAP is unlikely to allow the HRA to be concluded favourably. The Council provisionally identified the key flight route that would be safeguarded for bats would be along the south western side of the allocation as this would enable bats to fly westwards without having to cross any new roads. This option must be pursued unless the data suggests bats strongly prefer other routes (which does not seem to be the case from the data). Little Common is likely to comprise Core Bat Habitat and therefore changes to habitat or street lighting are unlikely to be acceptable.

		Masterplan provided for the two allocations yet to be submitted. <u>All Core Bat Habitat to be included. Details stating maximum quantum of residential units for the whole allocation to be shown on the Masterplan.</u>
3	For outline applications, Parameters Plan (para 142) to address: • Specific site design measures/restrictions to deliver the Masterplan • Areas to remain undeveloped • Areas to form landscaping	Criterion not met. Parameters plan needs to be consistent with masterplan and include distances to show that the minimum widths for core bat habitat and necessary buffers will be met. Broad habitat type needs to be shown on the plan. <u>Joint Ecology Parameters Plan provided. All Core Bat Habitat to be mapped and must be buffered in accordance with TBMS to ensure habitat functionality. See Figure 6 Page 40 of the TBMS for buffer requirements.</u>
4	Biodiversity Net Gain Calculations demonstrate 100 % mitigation has been provided for all habitat lost where the yellow zone and the application boundary overlap (NB the Biodiversity Metric Calculation excel spreadsheet should be provided). The calculation is supported by maps showing the specific areas of land identified in each row of the calculation tool for the baseline and operational phase of development.	Criterion not met. Please provide the completed excel calculators in unlocked form. Please ensure each row relates to a specific habitat area shown on the parameters plan (or an outline mitigation plan). The habitat baseline area must match the land area within the red line boundary. The Metric is required to demonstrate no net loss of biodiversity value for habitats and hedgerows and must comply with the Technical Guidance and User Guide available on NE's website SuDs come under proposed habitat type 'urban – sustainable drainage feature' Strategic significance – the site is within the TBMS yellow zone (i.e. local strategy) therefore of high significance <u>PL/2022/05426</u> <u>The BNG calculations have now been submitted as the unlocked spreadsheet and details are provided in the Ecology Addendum and this is welcomed. The Illustrative Landscape Sections are also very useful. However, in the light of Natural England's objection and as all Core Bat Habitat will need to be mapped and buffered using TBMS criteria, this will need to be revised. Please ensure (as requested by my colleague Louisa previously (above comments) that each row relates to a specific habitat area shown on the parameters plan and also on an Ecological Mitigation Plan (EMP) (see above; all full apps need to be supported by an EMP as detailed in the TBMS.</u>
5	For reserved matters and full applications, an Ecological Mitigation Plan to be submitted containing (para 143):	Not required for the current application. <u>Required for full app PL/2022/05426.</u>

	(i) Scaled drawing to show • Details of replacement roosts • Commuting routes and foraging habitat to be retained, created and enhanced • Location/extent and full landscape specifications for tree and shrub planting, wildflower grassland etc • Location of temporary work areas • Limit of built development (ii) Schedule of works covering removal, enhancement and creation of habitat features in relation to timing of construction works. (iii) Detailed and scaled cross sections to accurately locate development and vegetation features	
6	The EMP proposals submitted for item 5 above are in accordance with the standards for habitat mitigation and management as described at section 8.2 and Figure 6 in the TBMS.	Not required for the current application however note that Masterplan and Parameters Plan need to demonstrate these standards can be met in the EMP submitted for reserved matters. Required for full app PL/2022/05426.
7	Application to demonstrate retained core bat habitat connects to the wider habitat network.	Criterion not met. Core bat habitat has yet to be defined Re-map <u>all</u> Core Bat Habitat and buffer in accordance with TBMS criteria. Further analysis to understand bat activity and probable/likely connectivity.
8	Application to demonstrate core bat habitat will remain relatively undisturbed by the effects of urbanisation.	Criterion not met. Core bat habitat and buffers have yet to be defined. All Core Bat Habitat must be mapped and buffers to meet TBMS criteria.
9	The potential impacts of lighting are adequately modelled and assessed with appropriate mitigation included to minimise the effects artificial lighting across the site in accordance with section 8.3.	Any lighting assessment submitted at this stage needs to be based on the Core Bat Habitat as identified through the HRA for the WHSAP and bat data collected for these applications. The parameters plan should demonstrate that all core bat habitat will be buffered by 15m wide dark zones reaching max 1 lux at the outer edge (see figure 6 TBMS) (no conflict with shared drives, car parks etc). Where there is doubt, a provisional lighting contour plan should be provided with the outline application.

		Lighting impact assessment submitted for PL/2022/05426 and needs to be revised to take into consideration all Core Bat Habitat.
10	An appropriate lighting monitoring regime has been provided.	Not required for the current application. Outstanding for full application.
11	Appropriate mechanisms for maintenance, monitoring and remediation of mitigation measures have been submitted covering relevant phases of development including the post construction period.	Given the large amount of land which will be set aside as open space, the usual management arrangements under a management company are unlikely to be viable. Discussions are recommended with third parties including the town council, North Bradley PC, Wiltshire Wildlife Trust etc. Outstanding.
12	The applicant agrees that a financial contribution towards the Council led scheme for mitigating residual effects from loss / degradation of bat habitat will be secured by S106.	This will form an item in S106 Heads of Terms.
13	Is it likely that the CIL funded, Council led scheme, to offset residual effects from recreational pressure at woodlands used by breeding bats will be able to cover impacts arising from the application under consideration?	Criterion is met, the Council will contribute the requisite amount in Appendix 2 of the TBMS SPD (£641.48) per dwelling from CIL.

Conclusion

1. Neither application is currently adequate to allow an appropriate assessment to be concluded favourably.
2. Development quantum and layout are the two fundamental issues that must be addressed in light of bat requirements set out in the WHSAP and TBMS.
3. All land within the allocation must be included in the master plan and within the red or blue land to ensure bat mitigation can be properly secured by planning condition or legal agreement
4. Long term management responsibilities for undeveloped land need to be considered so the Council can be sure management will be viable. A management Company is unlikely to have sufficient resources to cover the land area in question.

Other Issues:

The allocation site lies in the DLL amber zone for great crested newts and based on the historical data it likely that newts will be disturbed by this development. The outline applications need to consider the most likely mitigation approach, whether this is to provide mitigation on site (details needed) or join the DLL scheme. The former is likely to be cheapest option as no ponds will be directly affected by the developments. New ponds would be a suitable focus for the ecological mitigation plan to offset the decline in ponds being experienced at the adjacent business park while also providing good bat habitat.

Issue still outstanding

