

Site:	Land to the East of Wagtails
Client:	1215 Heritage Homes Ltd
Job Number:	784-B049610
Survey Type(s):	Ecology Technical Note
Date of Survey(s):	4 th August 2023
File Location:	\\lds-dc-vm-101\Data\Projects\784-B049610_Land_to_the_East_of_Wagtails\60 Project Output\61 Work in Progress\

INTRODUCTION

Tetra Tech was commissioned by 1215 Heritage Homes Ltd to complete an Ecology Technical Note for Land to the East of Wagtails, Southampton Road, Alderbury, SP5 3AF.

The proposals are to include the redevelopment of the site to provide up to a 32 dwelling residential development. The site is currently subject to a planning application ref: PL/2022/03103, which has not yet been determined.

Following a series of consultation responses by the Wiltshire Council Ecology team, a number of comments remained outstanding. The purpose of this technical note is to provide further information and clarification in response to these comments to enable the application to be determined. For clarity, the Wiltshire Council comments are provided in full where responses are given.

This technical note has been prepared by Associate Director David West CEnv MCIEEM.

WILTSHIRE COUNCIL PLANNING CONSULTATION RESPONSE

Baseline

It is reported that the Site measures 1.25 hectares comprising bare ground, bracken and bramble scrub, mature oak trees on the northern boundary and 'other neutral grassland' which is reported to cover the majority of the Site. The habitat survey was conducted in February 2022 which is outside the optimum season for habitat survey. As species indicative of neutral grassland were present a botanical survey carried out in the optimum season is required to accurately determine the status and diversity of the grassland unless justification of otherwise is provided.

In a Letter to Lynda King from Andrew Black Consulting (14th December 2022) the applicant suggests that the information provided in the Ecological Constraints Survey Report (Daniel Ahern Ecology, August 2018) provides adequate assessment of the grassland. The 2018 report can't be relied upon for providing a baseline for the status of the grassland for the following reasons:

- Although survey to inform this 2018 report was carried out within the optimum season for botanical survey the methodology does not seek to and does not provide a detailed botanical assessment.*
- The Site had been subject to significant disturbance immediately prior to the 2018 survey.*
- The survey was carried out 4 years ago and changes to the vegetation are expected.*

The requested survey is still required.

An updated condition assessment of the grassland on site was completed in July 2023, within the optimal season for habitat surveys. This is included at Appendix A to this technical note and

validates the previous habitat surveys, confirming that the grassland on site is of medium distinctiveness in poor condition.

Reptiles

It is reported in the Ecology Appraisal that the Site is suitable for use by reptiles. The results of the detailed reptile survey and mitigation strategy mentioned in Section 6.41 of the Ecology Appraisal have not been submitted. If reptiles are present the layout does not include any space to accommodate them. The results of the survey are required to determine if impacts on reptiles can be mitigated.

The submitted Phase 2 Ecological Survey Report confirms a low population of breeding slowworm are present. The population is reported to be concentrated at the western boundary with one individual at the eastern area. The report recognises a net loss in reptile habitat and recommended sensitive works measures to displace reptiles out of harm's way during construction and the provision of retained habitat, 2 no hibernation features and 3 x shelter opportunities as mitigation.

There are records of other reptile species in close proximity to the Site and local representations indicate grass snake and adder are present in adjacent gardens. Habitat suitable for these species is also present in close proximity particularly within Alderbury Canals CWS to the east.

Grass snake and adder are highly mobile species and if present likely to be displaced by the reported continued mechanical disturbance on Site reducing the effectiveness of survey to confirm their presence/ absence. Slow-worm, grass snake and adder are Priority Species (Species of Principal Importance) and therefore impacts on them must be fully mitigated. The current layout does not fully mitigate the loss of habitat for these species.

The updated layout (for 30 dwellings) includes a total of 0.12ha of land reserved as biodiversity mitigation/natural areas which will provide suitable habitat for reptiles post development. The largest of these areas is located at the north eastern extent with connectivity to wider habitats off site suitable for reptiles. The submitted reptile survey was undertaken in accordance with best practice guidance and recorded no grass snake or adder on site. The disturbance noted in the consultation response was not continued mechanical presence but targeted works to enable ground investigation studies and took place outside the reptile survey period. Therefore, it would be unreasonable to discount the findings of the survey in recording no grass snake or adder. It is possible (or even likely) that these species do pass through the site (the development would not result in any fragmentation) however it is clear from the survey that the site is not significant for them.

The proposed biodiversity mitigation areas are sufficient to provide post-development habitat for the low population of slow worm recorded, with connectivity off site. Based on the local representations, it is also clear that surrounding gardens form a network of reptile habitat in the local area. Although not relied upon for the purposes of determination, it can reasonably be concluded that proposed gardens will also be suitable.

Overall, with the proposed mitigation areas, the development will not have any significant impact on the local population or conservation status of common reptiles.

Pond

The Tree Root Protection Area drawing shows a pond at the western boundary however there is no pond shown on or mentioned in the Ecological Appraisal. Clarification of the presence of the pond is required.

Information relating to a pond on Site is conflicting. Comments from local representation state a pond was present but has been destroyed whereas the Letter to Lynda King (14th December 2022 from Andrew Black Consulting) states a pond is not present on Site.

Historically, an ornamental pond was present on site. However, this was removed before the site was under consideration for development and before the original habitat survey in 2018.

Impacts

The requested further botanical survey has not been submitted and local representations strongly indicate the Site continues to be subject to disturbance. The current biodiversity value of the Site can't be determined therefore it is not possible to determine if the suggested measures will satisfactorily mitigate the impacts of this development.

However, the development footprint would encroach into and result in adverse impacts on known features of ecological value such as the mature trees and vegetated boundaries. Specifically, the development footprint does not comply with the RPZ of numerous existing trees, including a mature oak at the north-eastern corner, of the Site (tree report reference 18A). I note the Tree Officer has requested a no development 15m buffer around this tree which should be adhered to but is not achievable in the current layout. Section 6.23 of the Ecological Appraisal incorrectly states that this tree and adjacent trees will be retained within green infrastructure and buffered from effects of the development. Finally, the layout doesn't provide any space for ecological mitigation or to achieve no net loss in biodiversity.

Section 6 of the Ecological Assessment refers to green infrastructure however there does not appear to be any meaningful areas of green infrastructure or space for it on the submitted drawings. Figure 4 the Post-intervention Biodiversity Net Gain Plan does show a narrow strip of amenity grassland at the boundary however due to its narrow width, inaccessibility for management and combined use for amenity or play areas this is completely inadequate as mitigation for the ecological losses. This is confirmed by the BNG calculation that predicts a shortfall of -2.53 habitat units.

In order for the development to be compliant with CP50 it must demonstrate that features of nature conservation value can be retained, buffered and managed favourably in order to maintain their ecological value and functionality.

An updated grassland condition assessment has been undertaken to validate the habitat baseline as discussed above. Also as detailed above, biodiversity mitigation areas measuring 0.12 ha are included in the layout. The final statement in relation to Policy CP50 is not entirely correct. Policy CP50 does allow for compensation in the event that features cannot be fully retained on site. Paragraph 6.75 of the Local Plan Core Strategy states:

Compensation is a last resort, but will be necessary in some instances where other approaches cannot guarantee 'no net loss' of biodiversity and any unavoidable losses are outweighed by other sustainability considerations. Such measures should be delivered within the development site where possible; however, where this is not feasible, it may be more appropriate to deliver offsite measures through legal agreements and landscape scale projects. Appropriate compensatory measures should demonstrate no net loss of the relevant local biodiversity resource in the short and long-term, and be delivered as close to the development site as possible to avoid the degradation of local ecological networks or 'ecosystem services'. Additional guidance is available to help clarify appropriate ecological avoidance, mitigation and compensation measures to demonstrate compliance with Core Policy 50, which should be proportionate to the scale of any predicted impact.

Thus, the principle of off-site compensation for unavoidable losses is included within Policy CP50. In this event, as detailed further below, it is proposed that residual biodiversity losses are compensated through the purchase of biodiversity credits from the Wiltshire Habitat Bank managed by Environment Bank.

Biodiversity Net Gain

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

The Ecological Appraisal includes a summary of a BNG assessment that predicts a shortfall in habitat units of -2.53 confirming the development would result in a net loss in biodiversity and therefore be contrary to CP50. In order to be policy compliant, the development must, as an absolute minimum, demonstrate no net loss is achievable. The BNG assessment must be amended and re-submitted, with the unlocked spreadsheet, once the concerns raised in these comments have been addressed.

A completed metric 3.0 has now been submitted and confirms unacceptable losses in biodiversity are likely. The predicted losses are largely associated with the loss of 'other neutral grassland' in 'Poor' condition. Justification of this condition is required. It is strongly suggested this is provided by submission of the metric condition assessments and botanical survey as previously requested. It is not possible to determine which layout the metric is based on. The calculation must use the most up to date layout.

In order to provide biodiversity net gain development must demonstrate that the 10 Good Practice Principals for Biodiversity Net Gain have been complied with. Currently the proposals do not comply with a number of these good practice principals including, but not exclusively, adherence to the mitigation hierarchy and achieving the best outcomes for biodiversity.

The Ecological Appraisal recommends integral features for use by nesting birds and roosting bats are included on the dwellings along with corridors for the movement of hedgehogs. Such features are welcomed and should be provided on the majority of dwellings.

In summary the delivery of 32 houses appears to necessitate a layout unable to comply with CP50 therefore it seems a reduction in dwelling number should be considered. Given the constraints at the northern boundary and layout of the adjacent approved development, which includes a corridor of wildflower meadow and tree planting in this location, meaningful biodiversity mitigation in this location such as a broad wildlife corridor would be welcomed.

There is also an opportunity to provide a connecting wildlife corridor along the eastern boundary that would link to existing gardens and the Alberbury Canal CWS to the west. In order for biodiversity features/ habitats to be secured and appropriately managed they must be provided in the public domain and represented on the requested Ecological Parameters Plan.

As noted in the comments above, the NPPF does not mandate net gain, nor has the mandatory requirement under the Environment Act come into effect. Therefore, the policy requirement for the development is to demonstrate that no net loss is achievable per Policy CP50. The updated condition assessment has validated the poor condition of the grassland on site for the baseline. It is proposed that credits are purchased from the Wiltshire Habitat Bank managed by Environment Bank to compensate the residual loss of biodiversity units and achieve no net loss. Therefore, the development is capable of meeting this requirement under Policy CP50.

It should also be noted that 10 good practice principles for BNG have been (at least in part) superseded by the Environment Act and Government Policy. For example, the principles state that biodiversity gains should be additional, however Government Policy has confirmed that in almost all cases (including European site mitigation), mitigation can be counted towards BNG. It is the opinion of the applicants that the mitigation hierarchy has been followed and that the site cannot be delivered without the indicated habitat losses. Therefore, mitigation and compensation have

been proposed to achieve no net loss. These losses could be avoided by locating development on an alternative site, however that option is not before officers. If it is determined that the application is not fully compliant with CP50 due to the need for greater avoidance, it is for the planning officer to weigh this minor non-compliance (minor as the application broadly complies with CP50) in the planning balance.

Mitigation

The removal of two dwellings in the northwest and the resulting provision of a Biological Mitigation Natural Area is welcomed particularly because of its location adjacent to a retained and established corridor. As part of the mitigation strategy the extension of this area to provide a larger Biological Mitigation Natural Area with connectivity to a corridor extending south would be welcomed.

Despite this the remaining Biological Mitigation Natural Areas are considered inadequate to fully mitigate the known impacts which currently include the loss of reptile and grassland habitat (as indicated by the BNG metric) and significant tree removal. In line with comments in the Appeal Decision for application 19/11206/OUT the expectation that the removal of numerous trees and associated ecological losses prior to this application being submitted is considered has not been fulfilled.

With the exception of the northwestern boundary all boundaries would be within residential gardens therefore all ecological value and function associated with them must be considered as lost.

The Biological Mitigation Natural Areas in the centre and to the west are small, isolated from retained vegetation and likely to be subject to regular recreational disturbance limiting their likely ecological value in the long term.

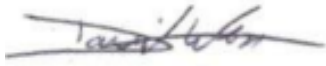
The development does not fulfil its obligations to adhere to the mitigation hierarchy. The Letter to Lynda King (14th December 2022 from Andrew Black Consulting) argues that impacts for the development can't be mitigated on Site however this incorrectly assumes there is a requirement for 32/30 houses on the Site. Adverse impacts could be reduced by a further reduction of housing density to enable larger area/s to be made available for ecological mitigation. This would enable larger and more coherent Biological Mitigation Natural Areas to be provided for the purposes of protecting and enhancing biodiversity and would certainly enable a better ecological outcome to be achieved.

The proposed biodiversity mitigation areas are capable of mitigating habitat loss for reptiles and have connectivity to habitats off site which (as per the Council's comments on reptiles) are known to support reptiles. Furthermore, although the application does not rely on them, it is not a given that habitats and connectivity within gardens will be lost. As above, the Council notes the presence of reptiles within adjacent residential gardens, and it would appear inconsistent to then state that residential gardens have no value.

The biodiversity mitigation areas do not fully mitigate the loss of habitat arising from the development. To achieve no net loss in accordance with Policy CP50, it is proposed that biodiversity credits are obtained from the Wiltshire Habitat Bank operated by Environment Bank to compensate for the residual loss.

As discussed, it is the applicants view that the mitigation hierarchy has been followed. The hierarchy does not require avoidance at the exclusion of all other options (nor does CP50), but that it should be the first consideration. The position advanced by the applicant (via the letter referenced by the Council) is that further avoidance is not achievable whilst delivering the quantum of development required. Thus, mitigation and then compensation are advanced in accordance with the hierarchy. As noted above, it is for the planning officer to weigh any partial non-compliance with Policy 50 in the planning balance when reaching a determination. Again, it should be reiterated that any non-compliance with Policy 50 is only in regard to whether further

consideration could have been made to avoidance. Ultimately the application does not result in significant impacts upon protected and notable species and is capable of achieving no net loss.



David West CEnv MCIEEM
Associate Director

APPENDIX A: HABITAT CONDITION SURVEY

Site:	Land to the East of Wagtails
Client:	1215 Heritage Homes Ltd
Job Number:	784-B049610
Survey Type(s):	Condition Assessment of Grassland
Date of Survey(s):	27 th July 2023
File Location:	\\lds-dc-vm-101\Data\Projects\784-B049610_Land_to_the_East_of_Wagtails\60 Project Output\61 Work in Progress\

INTRODUCTION

Tetra Tech was commissioned by 1215 Heritage Homes Ltd to undertake a Condition Assessment of the Grassland at Land to the East of Wagtails, Southampton Road, Alderbury, SP5 3AF.

The proposals are to include the redevelopment of the site to provide up to a 32 dwelling residential development. The site is currently subject to a planning application ref: PL/2022/03103, which has not yet been determined.

Consultation feedback received by Wiltshire Council Ecology has noted the suboptimal timing and lapse of the Ecological Appraisal undertaken by Daniel Ahern Ecology in 2018. An updated Ecological Appraisal has been undertaken by FPCR Environment and Design Ltd in February 2022; however, this is again outside the optimal timing for a detailed assessment on the grassland. The Council Ecologist has stated the following, *'The habitat survey was conducted in February 2022 which is outside the optimum season for habitat survey. As species indicative of neutral grassland were present a botanical survey carried out in the optimum season is required to accurately determine the status and diversity of the grassland unless justification of otherwise is provided'*. Furthermore, *'A completed metric 3.0 has now been submitted and confirms unacceptable losses in biodiversity are likely. The predicted losses are largely associated with the loss of 'other neutral grassland' in 'Poor' condition. Justification of this condition is required. It is strongly suggested this is provided by submission of the metric condition assessments and botanical survey as previously requested'*.

This technical note provides results of condition assessment and was prepared by Trish Holden BSc MSc MCIEEM.

METHODOLOGY

As the Biodiversity Net Gain Assessment undertaken by FPCR Environment and Design Ltd was evaluated under the BNG 3.0, the condition assessment was assessed under Biodiversity Metric 3.0: Auditing and accounting for biodiversity - Technical Supplement Part 1a¹. A total of five, one metre squared quadrants were randomly selected within the grassland section of the site.

¹ Panks, Stephen & White, Nick & Newsome, Amanda & Potter, Jack & Heydon, Matthew & Mayhew, Edward & Alvarez, Maria & Russell, Trudy & Scott, Sarah & Heaver, Max & Scott, Sarah & Treweek, Jo & Butcher, Bill & Stone, Dave. (2021). Biodiversity Metric 3.0 Auditing and accounting for biodiversity USER GUIDE. Natural England Joint Publication JP039. Natural England.

The Condition Sheet: GRASSLAND Habitat Type (medium, high & very high distinctiveness) was used for the condition assessment which meets the criteria for Other Neutral Grassland.

The survey was undertaken by Tetra Tech Senior Ecologist Alex Coggins on the 27th of July 2023. Conditions were suitable, 19°C, gentle breeze, 80% overcast and no precipitation.

RESULTS

The full condition assessment quadrants undertaken on the 27th of July 2023 can be viewed in Appendix I. In summary, the grassland is assessed as poor as it fails all but one of the criterions. Table 1 below details the results of the condition assessment.

The April 2022 survey by FCPR included the following habitat description for the grassland on site.

This habitat type is the most dominant, occupying the greatest area over the site. Some small areas had been recently mown / flailed but all are dominated by Yorkshire fog Holcus lanatus and soft rush Juncus effusus and other species affiliated with National Vegetation Classification (NVC) MG10 community. NVC MG10 grassland is associated with poor drainage which is reflected in the presence of the following damp tolerant species sporadically within the sward: greater willowherb Epilobium hirsutum, purple loosestrife Lythrum salicaria, goat willow Salix capraea (s), pendulous sedge Carex pendula and lesser spearwort Ranunculus flammula.

The update survey by Tetra Tech found that the grassland was broadly consistent with previous assessments as g3c Other Neutral Grassland. The grassland was dominated by Yorkshire fog and soft rush with species including American willowherb *Epilobium ciliatum*, smooth sow-thistle *Sonchus oleraceus*, common knotgrass *Polygonum aviculare*, annual meadow-grass *Poa annua*, black medick *Medicago lupulina*, Canadian fleabane *Erigeron canadensis*, bristly oxtongue *Helminthotheca echioides*, creeping buttercup *Ranunculus repens*, greater plantain *Plantago major* and lesser spearwort *Ranunculus flammula*.

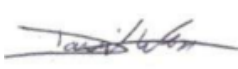
Table 1: Condition Sheet: GRASSLAND Habitat Type (medium, high & very high distinctiveness)

Condition Assessment Criteria	Site
1 The appearance and composition of the vegetation closely matches characteristics of the specific grassland habitat type (see UKHab definition). Wildflowers, sedges and indicator species for the specific grassland habitat type are very clearly and easily visible throughout the sward.	No. FPCR's EA describes the grassland as closely matching NVC MG10 community. However, does not "closely matches" due to the amount of scrub encroachment (lots of bramble, birch and willow scrub has seeded recently) and abundance of ruderal species. There is Yorkshire fog, creeping bent and soft rush in the sward (MG10).
2 Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.	No. 95% over 7cm.
3 Cover of bare ground between 1% and 5%, including localised areas, for example, rabbit warrens.	No. 0% bare ground in actual sward.

4	Cover of bracken less than 20% and cover of scrub (including bramble) less than 5%.	No. Bracken is around 20% and bramble, willow and birch scrub has recently seeded and is around 25%.
5	There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981). Combined cover of undesirable species ¹ and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area.	Yes. No invasives on site.
	Condition assessment score:	1/5 Poor.

DISCUSSION

In line with the Local Planning Authority Consultee Comments, the updated Condition Assessment was undertaken during the optimal period for botanical surveys and provides a more detail informed by a quadrat survey of the grassland. This found that the previous classification of the grassland as medium distinctiveness in poor condition was correct.

Document Control			
Revision:	V1	Status:	Issue
Date:	August 2023		
Prepared by:  Trish Holden BSc MSc MCIEEM		Checked and Approved By:  David West CEnv MCIEEM	

APPENDIX A: QUADRANT RESULTS

Project Number	784-B049610	
Project Name	Land to the East of Wagtails	
Date of Survey	July 27, 2023	
Surveyor	Alex Coggins	
Temperature	19°C	
Cloud Cover	80%	
Wind	3 - Gentle breeze	
Precipitation	No precipitation	
Target Note	Description	Photos
TN1	Quadrat 1 Yorkshire-fog, American willowherb, smooth sow-thistle, common knotgrass, annual meadow-grass, black medick, Canadian fleabane, bristly oxtongue, creeping buttercup, greater plantain British National Grid (m): 419111E, 127096N WGS84 (Lat/Long): 51.0429°N, -1.7288°E	
TN2	Quadrat 2 Yorkshire-fog, soft rush, smooth sow-thistle, redshank, woody nightshade, black medick, lesser spearwort, curled dock, fat hen, ragwort, creeping bent British National Grid (m): 419108E, 127058N WGS84 (Lat/Long): 51.0426°N, -1.7288°E	
TN3	Quadrat 3 Yorkshire-fog, field bindweed, white clover, black medick, curled dock, American willowherb, common nettle, annual meadow-grass, cleavers, horsetail, creeping bent British National Grid (m): 419059E, 127024N WGS84 (Lat/Long): 51.0423°N, -1.7295°E	
TN4	Quadrat 4 Yorkshire-fog, American willowherb, soft rush, lesser spearwort, gorse saplings/suckers, willow saplings (about 0.5-1m high)	

	British National Grid (m): 419076E, 126990N WGS84 (Lat/Long): 51.0419°N, -1.7293°E	
TN5	Quadrat 5 Soft rush, bramble, creeping thistle, common nettle, woody nightshade, cleavers, creeping bent, ragwort British National Grid (m): 419107E, 126988N WGS84 (Lat/Long): 51.0419°N, -1.7288°E	