Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	04/09/2023
Application number:	PL/2023/06204
Proposal:	Outline planning application for the erection of up to 60 dwellings, including affordable housing with public open space, structural planting and landscaping, land for the provision of allotments and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access.
Site address:	Land Off The High Street, Sutton Benger, SN15 4SP
Case officer:	Peter Crozier

Recommendations:

	No Comment
	Support
	No objection
	Condition (no objection subject to conditions)
X	Objection - further information required
	Objection in principle
	HRA completed

Further Information Required:

	Issue	**Policy/Legislative Compliance**	**Date information requested & Further information required**	**Satisfactorily addressed (Document & Date)**
1	Ecological Impact Assessment (EcIA)	NPPF, CP50, WCA, Hab Regs	**04/09/2023** An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: - Habitat (for BNG and INNS purposes) - Habitat: WSBRC Priority Habitat: Running Water (Sutton Benger Brook) and Bristol Avon River County Wildlife Site - Bats (foraging and commuting) - Badger - Riparian Mammals (otter and water vole) - Great Crested Newt (GCN)	**NO**

2	Ecological Parameters Plan (EPP)	NPPF, CP50	**04/09/2023** An Ecological Parameters Plan (EPP) is required	**NO**
3	Biodiversity Net Gain (BNG)	NPPF, CP50	**04/09/2023** An updated unlocked Biodiversity Metric spreadsheet accompanied by maps.	**NO**

The outstanding document(s) listed above are needed to enable the council's ecology team to consider all the relevant impacts and benefits of the proposed scheme. The council's ecologists will provide a further response once all the above information has been submitted via the case officer.
Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

The ecology reports and plans submitted to this application are welcomed and are listed below to confirm which documents informed this consultation response:

- Ecological Appraisal, Ref: CSA/3324/04, Rev: D, Date: 15/05/2023 by CSA Environmental
- Biodiversity Net Gain Assessment, Ref: CSA/3324/09, Rev: A, Date: 30/06/2023
- Biodiversity Metric, Land at High Street, Sutton Benger, Rev: B, Date: 30/06/2023 by CSA Environmental
- Access Plan: Proposed Junction on B4069 High Street, DWG No. 0303, Revision: P03, Date: January 2023 by Stirling Maynard
- Site Location Plan, DWG No: CSA/3324/126, Rev: A, Date 27/06/2023 by CSA Environmental
- Development Framework Plan, DWG No: CSA/3324/120, Rev: G, Date 27/06/2023 by CSA Environmental
- Design and Access Statement

The design includes buffering the existing habitat corridors around the site with additional habitat that is outside of private domestic curtilage which is welcomed.

The Ecological Appraisal confirms further surveys are required to determine the ecological baseline of the site and identify the need for mitigation measures to ensure the continued functionality of the area for biodiversity. This information is required prior to the determination of this application.

The ecology report provides sufficient justification supported by evidence to confirm the likely absence of:

- Dormice
- Roosting bats
- Brown hare
- Harvest mice
- Rare/notable assemblages of terrestrial invertebrates
- Rare/notable bird species

The report confirms the site has low potential to host reptiles and biological records have been returned in the area for low numbers of these species. In addition, the report confirms the site has potential to support breeding birds. Therefore, in this instance it is considered further surveys

for these species are too onerous but suitable avoidance and mitigation measures for reptiles and birds should be detailed in a conditioned Construction Environment Management Plan (CEMP) if this application is approved.

1. **Ecological Impact Assessment (EcIA)**

Habitat (for BNG and INNS purposes)

The updated habitat surveys were completed on the 10 November 2022 which is outside of the optimal survey season for botanical surveys. The site has the potential to support notable floral species along its margins. **Surveys that follow best practice guidance are required unless impacts to these habitats can be scoped out during the construction and operational phases of the proposed development.** Any sections that will be retained and protected should be clearly mapped in the EPP (see Section 2 of this response).

In reference to the Access Plan a section of the vegetation along the southern boundary will be impacted to create the access and visibility splay. **The ecology assessment and Biodiversity Net Gain (BNG) calculations need to be updated to include the potential impacts to the habitat(s) within the access and visibility splay area.**

Records of Himalayan balsam have been returned in this area which is an Invasive Non-Native Species (INNS). The ecology report states no invasive plant species were identified however the timing of the site visit is not in the optimal season to identify this species. Confirmation of the likely absence of this species is pertinent since the proposed works include development within Sutton Benger Brook which has high potential to host species such as Himalayan balsam. **Sufficient justification supported by evidence is required to confirm the presence / likely absence of INNS.**

Habitat: WSBRC Priority Habitat: Running Water (Sutton Benger Brook) and Bristol Avon River County Wildlife Site

The proposed works include drainage directly into the Wiltshire and Swindon Biological Records Centre (WSBRC) Priority Habitat: Sutton Benger Brook and the ecology report confirms the hydrological link between the brook and Bristol Avon River County Wildlife Site (CWS). The report confirms a potential impact pathway through increased pollution of these waterbodies during the construction and operational phase of the development. **Mitigation that is supported by suitable evidence is required to ensure these habitats remain functional for biodiversity and are not significantly degraded as part of the proposed development.**

If this application is approved the construction phase mitigation can be included in a conditioned CEMP which should also integrate the information requirements detailed in the Environment Agency's consultation response.

The operational phase mitigation plan is required prior to determination. The plan should clearly detail the type and amount of pollution anticipated to be discharged from the proposed development and how these pollutants will not enter Sutton Benger Brook and by association Bristol Avon River CWS.

Protected Species Surveys

The ecology report identifies the requirements for the following protected species surveys:

- Bats (foraging and commuting)
- Badger
- Riparian Mammals (otter and water vole)
- Great Crested Newt (GCN)

The results of these surveys along with the suitable avoidance/mitigation measures are required prior to the determination of this application in order to avoid conflict with CP50 and NPPF.

Once these surveys are completed, a Biodiversity Mitigation and Enhancement Plan is required. This plan should detail the number along with the indicative specifications and locations of the biodiversity mitigation and enhancement measures such as but not limited to bat and bird boxes, hedgehog highways and reptile hibernacula. Integral features on new residential developments should be created at the ratio of 1:1 feature to building in accordance with best practice guidelines. Integral features must seek to benefit a target species/s or group/s and demonstrate viability in terms of position on building, location and clustering in accordance with relevant guidance. **The exact location and specification of the features should be detailed in a conditioned Landscape and Ecological Management Plan (LEMP) and the integrated features should be included in the proposed building elevation drawings at Reserved Matters if this outline application is approved.**

2. Ecological Parameters Plan (EPP)

An Ecological Parameters Plan (EPP) is required. The EPP must clearly identify those areas of the site which are unconstrained, those areas where sensitive design or restrictions may be required, and any areas of the site which are to be retained, remain undeveloped, enhanced, form part of the landscaping for the purposes of protecting and enhancing biodiversity and any areas to be used as compensatory habitat in line with the submitted ecology documents, including the Biodiversity Net Gain Calculator spreadsheet. The EPP will become an 'approved document' of any outline permission granted and any reserved matters application must be in compliance with the plan.

1. A scaled drawing showing existing ecological features, distinguishing between those to be retained and those which will be lost e.g. hedgerows, root protection zones, water features, badger setts etc
2. Specify the minimum distance from each feature to the footprint of development e.g. to curtilage of properties, car parks, roads.
3. Specify the buffer distance from light sensitive ecological features where the increase in lux levels will be zero or, if lux contours have been modelled, show contour lines for 1, 0.5 or 0.1 lux depending on the sensitivity of ecological features
4. Identify where new habitats will be created on site, include minimum area in hectares or length in metres and habitat type
5. Identify areas where habitat enhancement will be undertaken, include minimum area in hectares or length in metres and habitat type.
6. Provide stand-off distances to the footprint of development e.g. curtilage to properties, car parks, roads for each tree to be retained, sufficient to ensure the tree will survive throughout the operational phase without risk of it being removed for health and safety, loss of amenity or liability reasons.
7. Provide cross-sectional drawing to show profile of SuDs, ponds or wetland features to demonstrate there is adequate room for these features to have gently profiled sides and thereby maximise their biodiversity potential.

3. Biodiversity Net Gain (BNG)

The submission of the BNG report and metric are welcome however, unless suitable justification is provided these will need to be updated following the above information requirements.

In addition, unless sufficient justification is provided, areas of proposed grassland that are readily accessible by members of the public and their pets are considered unlikely to achieve a higher distinctiveness than Modified Grassland.

If this application is approved, the off-site mitigation shown in the Site Location Plan and detailed in the metric will need to be secured through a S106 or other legal agreement outside of planning conditions since it is outside of the red line boundary.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPA's ecology team prior to determination of the application.

CONDITIONS: to be finalised when all information detailed above has been submitted and approved.

Final sign off – all matters addressed:

Ecologist	Date