Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	28/09/2023
Application number:	PL/2023/06706
Proposal:	Four five bedroom eco dwelling houses and a Queen Elizabeth II Memorial Park.
Site address:	Land at Church Road, Church Road, Heywood, Westbury, BA13 4LP
Case officer:	Steven Sims

Recommendations:

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

Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

This response should be read in conjunction with the response submitted by Natural England on 22nd September 2023. Natural England object to the principle of development in this location due to the likely harmful impacts on scheduled ancient woodland and high risks to Bath and Bradford on Avon Special Area Conservation (SAC) bat populations.

The application has not been supported by an ecology survey or assessment. The Supporting Statement mentions the importance of Round Wood (which is adjacent to the site) and other important woodlands in the vicinity, however it does not take into account the impacts of the development on habitats and protected/notable species. The supporting statement includes a commitment to providing a 15 m buffer from the woodland to the development, however the submitted site layout indicates the buffer between the woodland the development footprint will be approximately 10 m, and this buffer will be within the residential curtilage.

Bats

Trowbridge Bat Mitigation Strategy

The application site is located within the red high-risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb.2020). The site is located within the Red Zone and adjacent to Round Wood and Picket and Clanger woodlands which are known to support maternity roosts for Bechstein's bat. New development of greenfield or residential brownfield sites within this zone is considered highly likely to result in unacceptable risks to bat populations as a result of

increased recreational pressure on key woodland sites and as a result of habitat loss. As such, development of sites within this zone is highly unlikely to be acceptable.

Round Wood

Round Wood, a County Wildlife Site, ancient woodland site and priority habitat, occurs immediately to the north of the application site. The development footprint is located within the 15 m ancient woodland buffer and the proposals therefore have the potential to impact the integrity of trees associated with the ancient woodland through impacts to the root protection area (see Standing Advice for Ancient Woodland at gov.uk). Round Wood is in the process of being designated as part of the Trowbridge Woods SSSI as this woodland is known to contain roosting bats associated with the Bath and Bradford on Avon SAC. The proposed SSSI boundary is anticipated to be adjacent to the northern boundary of the site.

Habitat Regulations Assessment

The application site is located within a consultation zone for bats associated with the Bath & Bradford on Avon Bats SAC and therefore has potential to result in significant adverse impact on the special features of that site. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

Insufficient information has so far been submitted to enable the AA to be undertaken, which must be concluded favourably, and the conclusion agreed with Natural England prior to the application being determined. The following information would be required to complete the AA:

- Bat surveys of the site and zone of influence to understand how the site and surrounding area is used by bats, including Annex II species.
- Ecological Mitigation Plan which complies with the requirements of the TBMS e.g., minimum 30 m buffer, no increase in lux levels on habitat used by SAC bat species, new planting and a habitat management plan to create and manage habitats for SAC bat species.
- Baseline lighting surveys, lighting impact assessment (including lux contour plots) in line with the TBMS.
- An assessment of the likely impacts of the development on bats and the SAC which concludes no adverse impacts when considered alone and in combination with other developments.

It should be noted that as set out in the TBMS, it is unlikely that development in the red zone will be able to provide adequate mitigation to enable an assessment under the Habitats Regulations to conclude, beyond reasonable scientific doubt, no adverse effect on the integrity of the SAC.

Salisbury Plain Special Protection Area (SPA)

This application lies within the 6.4 km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In April 2023 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. That Appropriate Assessment reached a conclusion of no likely significant effect on the conservation objectives of the SPA, for development within 6.4 km of the SPA boundary provided that the mitigation scheme continues to be implemented. Annual stone curlew monitoring and protection measures continue to be secured by the Council.

Other Matters

The ecology interest on the area proposed for housing appears to have been reduced by the deliberate clearance of the site earlier this year. A review of aerial imagery (dated May 2023) shows signs of recent clearance on the site, this is corroborated by comments submitted by members of the public on the application, some of these comments reported that clearance was carried out during bird nesting season. Previous aerial imagery (dated April 2021) show the site to have supported young to semi-mature trees, scrub and grassland/ruderal, these habitats could have supported multiple protected/notable species, especially given the proximity and connectivity of the site to other suitable habitats.

An Ecological Assessment has not been submitted in support of this application and therefore there is insufficient information to determine potential impacts of the development on habitats and protected/notable species. Any Ecological Assessment would need to be based on the habitats present prior to clearance of the site.

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. Natural England has now prepared version 4.0 of the Biodiversity Metric that includes a small site metric Beta version. 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. Evidence of no net loss of biodiversity has not been submitted and measures to deliver net gain not proposed. All habitats for mitigation and enhancement would need to be outside of the residential curtilage with sufficient space to allow management.

It is noted that a memorial park is proposed alongside the residential development. An assessment of the impacts to ecological features has not been provided and detailed plans for this park have not been included.

Conclusion

The LPA ecology team object to the principle of this development in its current location. It is unlikely that development in the red zone will be able to provide adequate mitigation to enable an assessment under the Habitats Regulations to conclude, beyond reasonable scientific doubt, no adverse effect on the integrity of the SAC. The LPA ecology team is in agreement with the following statement by NE: "*The proposed scheme, and any development in this location, is likely to be harmful to the scheduled ancient woodland and result in high risks to the bat SAC populations and we would not be able to conclude no adverse effects on the integrity of the Bath & Bradford on Avon Bat SAC."*

Final sign off – all matters addressed:

Ecologist	Date