Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	17/10/2023
Application number:	PL/2023/06976
Proposal:	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.
Site address:	Land at Verbena Court, Melksham, SN12 7GG
Case officer:	Gen Collins

Recommendations:

	No comment
	Support
	No objection
X	Condition (no objection subject to conditions)
	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)

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 <u>all</u> 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.

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.

Ecological survey of the site was carried out by The Landscape Partnership at a suitable time of year and following industry guidelines. I consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. I am satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The ecological survey found that the habitats within the site are of generally low importance for conservation, although the boundary woodland and hedges outside of the site do contribute to primary connectivity within the wider landscape area for a range of wildlife species including common and widespread bat species, other small mammals and nesting birds. The ecology report makes a series of recommendations in Section 5 for precautionary measures to be

implemented as part of the development, to ensure that protected species are not adversely impacted by the works. These include measures to protect trees and shrubs, reptiles, terrestrial mammals and bats.

Biodiversity Net Gain

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The submitted Biodiversity Metric 4.0 and supporting report Calculation of Biodiversity Net Gain using Defra Metric 4.0 0 (The Landscape Partnership, August 2023) indicate that the proposals will result in a loss of 0.23 habitat units and an increase of 0.64 hedgerow units. The habitats identified during the survey with the highest ecological value comprised hedgerow, wooded belt and a ditch, all located outside of the site. All site boundary features will be retained and protected. Habitats within the site which are due to be lost are considered to be of lower value. The provision of new native hedgerows and other native planting would contribute to the ecological value and functionality of the site and immediate area and it is therefore accepted that the proposals secure the integrity of the local ecological networks and are therefore compliant with Core Policy 50.

The production of a Landscape and Ecology Management Plan should be secured via condition to ensure the long-term management of landscape and ecological features retained and created by the development. This document should be proportional to the size and scale of the development.

Recommendations for enhancement:

The ecology report also makes recommendations in Section 6 for the provision of alternative features and habitat areas to ensure that wildlife continues to be accommodated within the development. These recommendations comprise:

- Habitat enhancements to include native wildflower planting, native trees and shrubs, in-filling of boundary vegetation with native species of known value to wildlife, management of hedgerows for wildlife, planting designed to enhance connectivity of the landscape.
- Four built-in bat boxes
- Two built-in sparrow terraces
- Two built-in swift boxes
- One habitat pile
- Three bee hotels
- Provision of hedgehog highways in close board fencing, if proposed.

The Landscape Proposals (Drawing no: 101A) show the incorporation of native trees and hedgerow into the design, as well as one hibernaculum and three bee hotels, this is welcomed.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
    - Ecological Impact Assessment. The Landscape Partnership. September 2023.
    - Biodiversity Net Gain Report. The Landscape Partnership. August 2023.
    - Biodiversity Metric 4.0 – Calculation Tool
    - Landscape Proposals. Drawing no: 101A. The Landscape Partnership. June 2023
    - Tree Survey and Arboricultural Impact Assessment. The Landscape Partnership. June 2023

    REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

    a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
    b) Working method statements and mitigation strategies for protected/priority species, such as nesting birds, reptiles, bats and other small mammals.
    c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
    d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
    e) Development shall be carried out in strict accordance with the approved CEMP.

    REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

3. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP will include:

    a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (The Landscape Partnership, August 2023).
    b) Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Ecological Impact Assessment (The Landscape Partnership, September 2023) and the Landscape Proposals (Drawing no: 101A).
    c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
    d) A procedure for review and necessary adaptive management in order to attain targets.
    e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

    The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

    REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

4. No external light fixture or fitting will be installed within the application site unless details of proposed new lighting have been submitted to and agreed in writing by the local planning authority. All external lighting shall be installed in accordance with the

specifications and locations agreed with the local planning authority, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In the interests of conserving biodiversity.

5. Prior to the commencement of any works, including vegetation removal, details of the number, design and locations of features for bats and birds in accordance with the Ecological Impact Assessment (The Landscape Partnership, September 2023) shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

   REASON: To provide enhancement for biodiversity.

   Note to case officer: if the information in recommended condition 4 is provided prior to determination then this condition can be removed.

INFORMATIVES:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Protected Species General

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their

publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Final sign off – all matters addressed:

Ecologist **Rachel Whyte**	Date **17/10/2023**