

DRAFT 31.10.23

Land to the east of Wagtails 1215 Heritage Homes Ltd Ecology

Introduction

Following a series of consultation responses by the Wiltshire Council Ecology team, a number of comments remain outstanding. This report seeks to summarise the items which have been agreed and answer the items raised by the Wiltshire Council ecologist on 11/10/2023 to enable the application to be determined.

Clearly any application needs to be determined in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that “where in making any determination under the planning Acts, regard is to be had to the **development plan**, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

The relevant Development Plan for the determination of this application consists of the Wiltshire Core Strategy which was adopted in 2015. Reference has been made to policy CP50 within this report and various stakeholder responses.

The current position from DEFRA regarding biodiversity net gains is considered a material consideration and sets out that Biodiversity Net Gain (BNG) will apply for major developments (under the Town and Country Planning Act 1990) from November 2023. The advice for developers from DEFRA is as follows:

You must try to avoid loss of habitat to a piece of land you plan to do development work on. If you cannot do this, you must create habitat either on-site or off-site.

On-site means on the land your development work is on. Off-site is either your own land away from the development site, or you have bought units from a land manager.

If you cannot use on-site or off-site land, you must buy statutory credits from the government. You must provide evidence for using this option. This must be a last resort. The government will invest in habitat creation elsewhere in England.

You may be able to combine all 3 options to make up your BNG. You must discuss this with an ecologist, as you will need to prove why you cannot use one option. You must get approval from your local planning authority before you start building.

Please see the appendix 1 for the full Consultee Response document.

Planning Consultation Response

1) Reptile Mitigation Strategy

The 11/10/2023 consultation response states *'The development would result in a loss of reptile habitat considered to be of local value. Due to the small size and separation of the mitigation areas combined with the likely high levels of recreational pressure on them they are considered unlikely to provide suitable replacement habitat for reptiles.'*

Please see Mitigation Recommendations in Section 5 of the Reptile Report (April 2023). The report addresses habitat creation, habitat manipulation and construction site maintenance for reptiles. The technical note submitted on 04/08/2023 by David West, Associate Director at Tetrattech, further confirms that the proposal will *'provide suitable habitat for reptiles post development'*.

The technical note states ***'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.'***

- 2) Mitigation and enhancement plan to achieve no net loss of biodiversity. This must align with the EPP. Compensation Strategy required.

Further to a meeting with the planning officer in December 2022, it was agreed between parties for two homes to be removed from the north east corner to increase the biological mitigation areas and to create a strategically located nature corridor which would benefit the ecology of the wider area. The current site plan which shows this amendment can be located in appendix 3. It has also been agreed between parties that development must not result in a biological net loss, ie the net

gain must be equal to 0. Finally it is agreed between parties that the small manmade ornamental pond which partially overlapped the development site was removed by the former owners circa 2015-2016. The manmade ornamental pond, which housed Koi carp, dried out following the translocation of the carp.

The mitigation strategy remains an outstanding item which this report seeks to resolve. The 11/10/2023 consultation response states *'The Amended Site Plan includes Biological Mitigation/ Natural Areas reported to collectively measure 1229 m2 however as stated in the Technical Note the development will result in a net loss in biodiversity. This loss is largely associated with the confirmed loss of habitats including other neutral grassland and scrub and small slow-worm population.'*

To re-iterate the Site has been subject to significant vegetation clearance, most notably the removal of numerous trees. The actual biodiversity losses can't be accurately determined but is likely to be greater than stated or recognised in the reports and technical notes. The Site is located between numerous wildlife sites (including but not exclusively Ivychurch Copse CWS, Hightrees Wood CWS and Alderbury Canal CWS) and likely to form part of the local ecological network as a steppingstone used by mobile species including bats, birds and invertebrates. The development does not consider this additional impact and makes no provision for the additional losses in habitat and functionality as required by the Appeal Decision.

Core Policy 50 requires that where losses can't be mitigated appropriate compensation measures that ensure 'no net loss of local biodiversity resource' will be required. As a result a compensation package that benefits the local biodiversity resource and seeks to address the specific losses of this Site including, but not exclusively; neutral grassland, reptiles and woodland is required.

The Technical Note states the losses could be compensated by the purchase of biodiversity credits from the Wiltshire Habitat Bank managed by the Environment Bank but provides no further detail on how this would benefit the local biodiversity resource specifically.'

The consultee response dated 11/10/2023 also states in the summary that *'To be in accordance with the NPPF 180. (a) and CP50 compensation must only be used as last resort after all options for avoidance and mitigation have been fully explored. The development must first seek to mitigate for the confirmed losses on-site. As suggested in my initial comments this might be achieved through the provision of a larger corridor of habitat to benefit biodiversity and within the public domain at the north and along the eastern boundary. Where it has been fully justified that harmful impacts can't be mitigated a compensation package that will benefit the local biodiversity resource will be required. In order to demonstrate compliance with Core Policy 50 and deliver 'no net loss of the local biodiversity resource, and secure the integrity of local ecological networks' details of a compensation package that benefits local biodiversity resource is required.*

As stated in the Technical note dated 04/08/2023, *'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.'

Please see appendix 4 for a statement which outlines how the Environment Bank would benefit the local biodiversity resource specifically.

The consultee response dated 11/10/2023 states the biodiversity losses cannot be accurately determined. In addition to this the consultation response dated 11/10/2023 states losses for woodland should be compensated. This report seeks to provide clarification around the land category used in the biodiversity net gain calculation. The ecological appraisal April 2022 states,

'As a note on pre-development biodiversity value, Paragraphs 5(1), 6(a) and 6(b) of the Environment Act 2020 make it clear that the baseline biodiversity of a site should be taken 'as is' at a relevant time after 30th January 2020 and the supporting baseline biodiversity net gain information, for this application collected on 15th February 2022 is in-line with this.'

The ecological reports dated 2018, 2022 and 2023 all state the land category is grassland. No woodland is recorded. Therefore, in order to comply with current legislation, the development site must be treated as grassland, the designated land category on or after 30th January 2020.

The surveys, reports and biodiversity calculations have been carried out by qualified ecologists who have complied with all legislation and industry standards. Prescribed methodologies have been followed and therefore sufficient information regarding the site's ecological value both pre and post development has been provided. Therefore it can be concluded that the reports submitted as part of this application are accurate. The actual biodiversity losses can be determined and therefore it is unreasonable to use the argument that the net loss cannot be determined to ask for greater mitigation measures.

Nevertheless, 1215 Heritage Homes Ltd is committed to enhancing the environment and although it is agreed by all parties that this development is required to achieve no net loss, 1215 Heritage Homes Ltd wishes to make a greater contribution to the biodiversity of Wiltshire and is pleased to volunteer to achieve a larger net gain of 10% through the use of Environment Bank credits.

3) Ecological Parameters Plan

Please see appendix 5

4) Nutrient Calculation. Excel Format. SUDS statement.

Please see appendix 6 for the excel spreadsheet and suds statement.

This is an outline planning application and mitigation measures in addition to the payment required can be secured through a unilateral undertaking.

Summary

This report has addressed and resolved the outstanding ecology items. The reports undertaken by qualified ecologists clearly state that the reptile mitigation strategy is adequate as *'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'*. This report has addressed the biodiversity mitigation query by clarifying any points of ambiguity, providing an EPP and offering further information on the Wiltshire habitat bank managed by Environment Bank. Additionally, 1215 Heritage Homes Ltd have volunteered to commit to 10% net gain secured via the Environment Bank instead of the 'no net loss' currently agreed with Wiltshire Council. Finally, a nutrient calculation and suds statement has been provided and phosphate mitigation measures can be secured through a unilateral undertaking.

It has taken the ecology department on average in excess of 4 months to respond to the submission of additional information which has been requested. The financial cost resulting from these systematic delays to determining this application is significant. 1215 Heritage Homes Ltd is therefore left with no choice but to request for this application to be determined at the next Planning Committee on 14 December 2023. We will therefore grant an extension of time to allow this matter to be placed on the agenda. If it does not progress to this committee then we will submit an appeal on the grounds of non determination.

Appendix

Appendix 1 - Wiltshire Council Planning Consultation Response

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Elizabeth Burrows
Date:	09/11/2022, ECO2 14/06/2023, ECO3 11/10/2023 (amendments in blue)
Application number:	PL/2022/03103
Proposal:	Outline Application for up to 32 dwellings with all matters reserved (except access).
Site address:	Land to the East of Wagtails, Southampton Road, Alderbury, SP5 3AF
Case officer:	Lynda King

Recommendations:

☐	No Comment
☐	Support
☐	No objection
☐	Condition (no objection subject to conditions)
☒	Objection - further information required
☐	Objection in principle
☒	HRA required (River Avon: Hampshire catchment).

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	Baseline information on impacts on biodiversity.	CP50, NPPF	Amended ecological impact assessment to include, but not exclusively: - Assessment of pond. Pond has been removed. - Botanical survey. Yes - Reptile survey (yes) and mitigation strategy (no). - Amended tree impact assessment. - Mitigation and enhancement plan to achieve no net loss of biodiversity. This must align with the EPP. No. - Compensation strategy required.	No
2	Net loss in biodiversity	CP50, NPPF	Evidence of no net loss in biodiversity. Unlocked BNG spreadsheet. Condition assessment sheets used in the site assessment. Plan/s (EPP) demonstrating where proposed for mitigation or for BNG will be provided.	Net loss in biodiversity confirmed.
3	Mitigation	CP50, NPPF	Ecological Parameters Plan (EPP).	No
4	River Avon: Hampshire	Habitat Regulations, CP50, CP69, NPPF	Nutrient calculation. Excel format. SUDS statement.	No

catchment.			
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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.

Matters considered:

Thank you for consulting ecology, the following submissions have been reviewed along with other relevant documents:

- Ecological Appraisal. FPCR Environment and Design Ltd (April, 2022).
- Site Layout. Drawing 1215_01. Twelve Fifteen Heritage Homes (21/11/2019).
- Tree Root Protection Area. Drawing WCM/SSR/PSK/HE/WA/FTS/1. Woodland and Countryside Management (24/11/2022).
- Draft Protection Fencing. Drawing WCM/SSR/PSK/HE/WA/FTS/1. Woodland and Countryside Management (24/10/2022).
- Letter to Lynda King. 14th December 2022. Andrew Black Consulting.
- Reptile Survey Report. (Phillips Ecology, April 2023).
- Ecological Constraints Survey Report. (Daniel Ahern Ecology, August 2018).
- Amended Site Plan (Heritage Homes).
- Ecological Parameters Pan.
- Additional Ecology Information for App PL/2022/03103. (Email: Tetra Tech, August 17 2023).
- Ecology Technical Note. (Tetra Tech, 4th August 2023).

Summary

The Amended Site Plan includes two larger areas of Biological Mitigation/ Natural Area and two small areas at the Site entrance. The plan also indicates further mitigation will be provided at the Site boundaries. This narrow strip of land appears to be within private gardens and therefore does not represent deliverable mitigation land. The Technical Note confirms that the development will result in a net loss in biodiversity associated with the confirmed loss of other neutral grassland, scrub and small slow-worm population. The grassland would not qualify as a Habitat of Principal Importance but would be considered of local value.

The development does not consider and makes no attempt to mitigate the additional losses in habitat and functionality associated with the removal of numerous trees prior to the application being made as required by the appeal.

Core Policy (CP) 50 requires that where losses can't be mitigated appropriate compensation measures that ensure 'no net loss of local biodiversity resource' is provided. A compensation package that benefits the local biodiversity resource by seeking to address the specific losses of this Site including, but not exclusively losses of, other neutral grassland, woodland and reptile habitat is required. In line with comments in the Appeal Decision for application 19/11206/OUT the compensation must also address impacts associated with the removal of numerous trees and associated ecological losses prior to this application being submitted.

The Technical Note states the losses could be compensated by the purchase of biodiversity credits from the Wiltshire Habitat Bank managed by the Environment Bank but provides no further detail on how this would benefit the local biodiversity resource specifically.

To be in accordance with the NPPF 180. (a) and CP50 compensation must only be used as last resort after all options for avoidance and mitigation have been fully explored. The development must first seek to mitigate for the confirmed losses on-site. As suggested in my initial comments

this might be achieved through the provision of a larger corridor of habitat to benefit biodiversity and within the public domain at the north and along the eastern boundary.

Where it has been fully justified that harmful impacts can't be mitigated a compensation package that will benefit the local biodiversity resource will be required. **In order to demonstrate compliance with Core Policy 50 and deliver 'no net loss of the local biodiversity resource, and secure the integrity of local ecological networks' details of a compensation package that benefits local biodiversity resource in required.**

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.

It is agreed that the grassland comprises 'other neutral grassland' as stated in the Technical Note. The survey also confirms the grassland supports a reasonably diverse sward of plants (flowers and rushes) indicative of impeded drainage. The report does not include enough information to confirm the accuracy of the condition assessment. Specifically, but not exclusively, the area of grassland and scrub/ bracken were previously mapped as separate habitat units but are considered together in the condition assessment and I believe incorrectly used to justify the grassland not meeting criteria. This is a matter that is likely to come down to professional judgment.

The species listed in Appendix A of Technical Note strongly indicate that the grassland would not qualify as a Habitat of Principal Importance but would be considered of local value.

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 slow-worm 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 harms 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 submitted information does not address the concerns raised above. The development would result in a loss of reptile habitat considered to be of local value. Due to the small size and separation of the mitigation areas combined with the likely high levels of recreational pressure on them they are considered unlikely to provide suitable replacement habitat for reptiles.

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.

The Technical Note confirms an ornamental pond was present on Site and states that it was removed prior to the Site being considered for development.

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.

The Amended Site Plan includes Biological Mitigation/ Natural Areas reported to collectively measure 1229 m² however as stated in the Technical Note the development will result in a net loss in biodiversity. This loss is largely associated with the confirmed loss of habitats including other neutral grassland and scrub and small slow-worm population.

To re-iterate the Site has been subject to significant vegetation clearance, most notably the removal of numerous trees. The actual biodiversity losses can't be accurately determined but is likely to be greater than stated or recognised in the reports and technical notes. The Site is located between numerous wildlife sites (including but not exclusively Ivychurch Copse CWS, Hightrees Wood CWS and Alderbury Canal CWS) and likely to form part of the local ecological network as a steppingstone used by mobile species including bats, birds and invertebrates. The development does not consider this additional impact and makes no provision for the additional losses in habitat and functionality as required by the Appeal Decision.

Core Policy 50 requires that where losses can't be mitigated appropriate compensation measures that ensure 'no net loss of local biodiversity resource' will be required. As a result a compensation package that benefits the local biodiversity resource and seeks to address the specific losses of this Site including, but not exclusively; neutral grassland, reptiles and woodland is required.

The Technical Note states the losses could be compensated by the purchase of biodiversity credits from the Wiltshire Habitat Bank managed by the Environment Bank but provides no further detail on how this would benefit the local biodiversity resource specifically.

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.

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.

There are some outstanding concerns regarding the accuracy of the BNG calculation however further comment on these are unlikely to significantly change the conclusion that the development will result in a net loss in 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.

The development will result in a net loss in biodiversity.

Ecological Parameters Plan

An Ecological Parameters Plan (EPP) is required to demonstrate no net loss in biodiversity can be achieved. The EPP must clearly map and identify those areas required for the purposes of protecting and enhancing biodiversity in line with the amended 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.

The information requested above must be submitted to and reviewed by the LPA's ecology team prior to determination of the application. It would be beneficial if, once the further surveys have been completed, the Ecological Assessment was amended and re-submitted. The EPP layout must demonstrate that all the mitigation and enhancement measures required to address these comments can be provided.

An Ecological Parameters Plan has now been submitted but its layout does not comply with the Amended Site Plan (Heritage Homes). As both drawings are of poor quality it is not possible to read essential details such as area measurements, drawing titles and drawing numbers. **The EPP is still required and must demonstrate all the concerns raised in these comments have been addressed.**

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.

Habitat Regulations Assessment

The application site is within a consultation zone for The New Forest SPA, SAC and RAMSAR, Solent designated sites (Solent Maritime SAC, Solent and Southampton Water Special Protection Area (SPA)) and River Avon SAC (Hampshire catchment) and therefore has potential to result in significant adverse impact on the special features of that site. Habitats Regulations Assessment has been 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.

New Forest Protected Sites

The development lies within the zone of influence for the New Forest protected sites which includes the New Forest SPA, New Forest SAC and New Forest Ramsar site. It is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone and in-combination with other plans and projects. Many of the special features afforded protection are vulnerable to increased recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019. The Council has prepared an "Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1, 25 March 2022) which identifies the zones of influence within which residential and tourism development have the potential to generate additional recreation pressure. The strategy details mitigation required to avoid and reduce impacts. Provision of Suitable Areas of Natural Greenspace (SANGs) will be provided to reduce visitor numbers at protected sites and where visits are unavoidable, strategic access management and monitoring (SAMM) methods will be used to control people's behaviour. The strategy explains that residential developments of 50 or more homes will be required to directly provide high quality open space while other development will contribute indirectly through allocation of funds from the Community Infrastructure Levy. Together this package of measures has been endorsed by Natural England on 24 March 2022 who consider the strategy to be sufficient to mitigate for development coming forward through the Wiltshire Core Strategy.

The Council therefore concludes that, provided the necessary mitigation is secured by condition or S106 as appropriate, the current application alone and in-combination with other plans and projects will not lead to adverse effects on the New Forest protected sites.

The necessary mitigation for this development is:

- 1. contributions through CIL towards SAMM.**

River Avon Hampshire Avon catchment

The Site is located within the River Test Catchment but will connect to main sewer which drains into the Petersfinger WWTW within the River Avon SAC (Hampshire catchment). I can confirm that this application would be classed as planned development given the adjacent development and appeal decision that the site would be classed as infill development.

The Council has agreed through a Memorandum of Understanding with Natural England and others that measures will be put in place to ensure all developments permitted between March 2018 and March 2026 are phosphorus neutral in perpetuity. To this end it is currently implementing a phosphorus mitigation strategy to offset all planned residential development, both sewered and non sewered, permitted during this period. The strategy also covers non-residential development with the following exceptions:

- Development which generates wastewater as part of its commercial processes other than those associated directly with employees (e.g. vehicle wash, agricultural buildings for livestock, fish farms, laundries etc)
- Development which provides overnight accommodation for people whose main address is outside the catchment (e.g. tourist, business or student accommodation, etc)

Following the cabinets resolution on 5th January 2021, which secured a funding mechanism and strategic approach to mitigation, the Council has favourably concluded a strategic appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended). This was endorsed by Natural England on 7 January 2021. As this application falls within the scope of the mitigation strategy and strategic appropriate assessment, I conclude it will not lead to adverse impacts alone and in-combination with other plans and projects on the River Avon SAC. – The above AA can no longer be relied upon. Please refer to text below.

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. 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 completed prior to the application being determined.

In line with the Council's Strategic Appropriate Assessment of Developments in Wiltshire Occurring in the River Avon SAC Catchment (16/03/2023) all planned major and non-sewered applications are required to submit a nutrient calculation and statement confirming how sustainable urban drainage systems (SuDS) and other measures have been adopted on Site to avoid and mitigate phosphorus burdens.

The River Avon Water Usage Condition (majors) must be applied to any approval.

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site.

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth

Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area from the increase in waste water and land use change. The wastewater from this development will be discharging to the River Avon catchment (via the Petersfinger WWTW) and not into the River Test catchment. Given the existing use of the site is already residential (garden), there is no change in land use and no likely significant effect on the Solent protected sites.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations. This concluded that given the development discharges outside the catchment and there is no land use change there is no mechanism for adverse effect. **The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.**

Conditions:

To follow.

Final sign off – all matters addressed:

Ecologist	Date
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Appendix 2 - Technical Note



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:	\\ds-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.

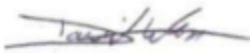
The development does not fulfil its obligations to adhere to the mitigation hierarchy. The Letter to Lynda King (14th December 2022 from Andrew Black Consulting) argues that impacts for the development can't be mitigated on Site however this incorrectly assumes there is a requirement for 32/30 houses 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 caprea (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 echinoides*, creeping buttercup *Ranunculus repens*, greater plantain *Plantago major* and lesser spearwort *Ranunculus flammula*.

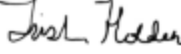
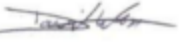
Table 1: Condition Sheet: GRASSLAND Habitat Type (medium, high & very high distinctiveness)

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.

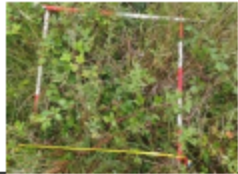
DISCUSSION

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	



Appendix 4 - Statement outlining how the Environment Bank would benefit the local biodiversity resource specifically.

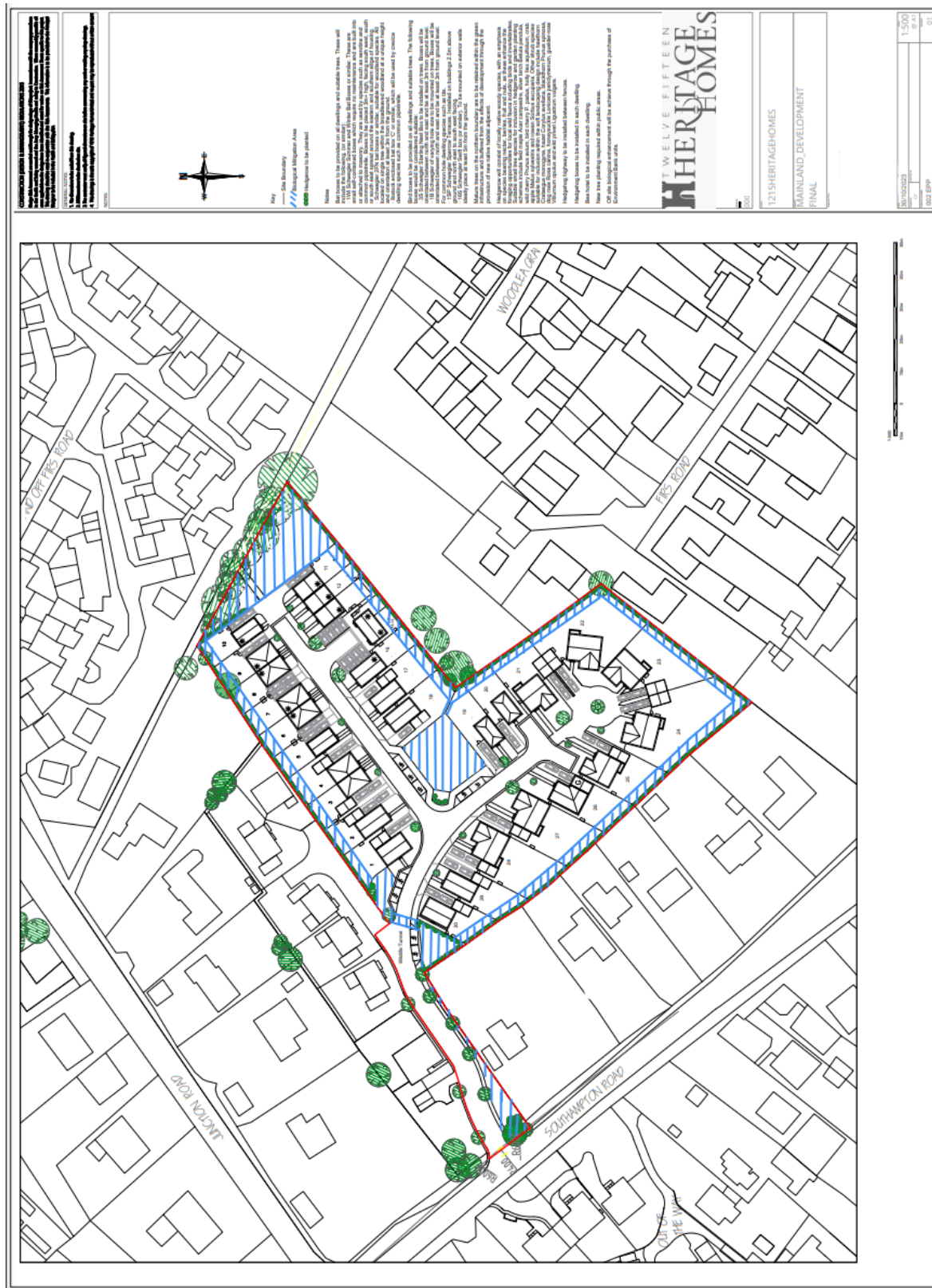
Environment bank Habitat Banks are not isolated pockets of biodiversity, but part of broader, interconnected systems of recovery, creating wildlife corridors that give key species vital opportunities to travel, interact, and build abundance. By connecting areas of ecological significance within Wiltshire, Environment Bank employ the core principles for creating high-integrity ecological networks – making them bigger, better, and more joined up. The Wiltshire habitat bank is designed to deliver the best long-term benefits for nature, using a comprehensive suite of ecological surveys to confirm whether the intended gains are genuinely achievable from the outset.

As stated in the ecological report dated April 2022, 1215 Heritage Homes Ltd must deliver 2.53 units to achieve no net loss. 1215 Heritage Homes Ltd has volunteered to secure a 10% net gain via the environment bank scheme which equates to 2.92 units. The Environment Bank has grassland habitat available in Wiltshire. Environment Bank works to establish grassland landscapes teeming with wildflowers and pollinators and more widely supports a mosaic of habitat types appropriate for the landscape.

Table showing available habitat types in Wiltshire. Published September 2023.

Broad habitat type (AREA)	Habitat distinctiveness
Heathland and shrub (Tier A1)	Medium
Grassland (Tier A1) e.g. Other Neutral Grassland	Medium
Individual trees (Tier A1)	Medium
Woodland and forest (Tier A2)	Medium
Lakes – ponds (non-priority habitat) (Tier A4) e.g. Ponds	Medium
Wetland (Tier A1) e.g. Reedbeds	High
Grassland (Tier A1) e.g. Traditional Orchard	High
Grassland (Tier A2) e.g. Lowland or upland calcareous, tall herb communities	High
Heathland and shrub (Tier A2) e.g. lowland heathland, upland heathland	High
Urban (Tier A2) e.g. Open Mosaic Habitat on Previously Developed Land	High
Woodland and forest (Tier A3) e.g. wet woodland	High
Wetland mosaic (Tier A4) e.g. Floodplain Wetland Mosaic (CFGM)	High
Ponds (Tier A4) e.g. Ponds (priority Habitats), temporary lakes, ponds and pools	High
Woodland and forest (Tier A4) e.g. Lowland Mixed Deciduous woodland	High
Lowland Meadow	Very high
Upland Hay Meadow	Very high
Wetland - Fens (upland and lowland)	Very high

Broad habitat type (LINEAR)	Habitat distinctiveness
Hedgerow (Tier H)	Various
Rivers (Tier W)	Various
Ditches (Tier W)	Various



Appendix 6 - Nutrient Calculation Excel Format

Development site details

Date (dd/mm/yyyy):	25/10/2023
Site Name:	Land to the East of Wagtails
Planning Application number:	PL/2022/03103
Site Address:	Land to the East of Wagtails, Southampton Rd, Alderbury, SP53AF

Development site details

Date (dd/mm/yyyy):	25/10/2023
Site Name:	Land to the East of Wagtails
Planning Application number:	PL/2022/03103
Site Address:	Land to the East of Wagtails, Southampton Rd, Alderbury, SP53AF

Stage 1

User Inputs

Date of first occupancy:	01/07/2024
Average occupancy rate:	2.40
Water usage (litres/person/day):	120
Development Proposal (dwellings/units):	30
Wastewater treatment works:	Salisbury (Petersfinger) 
Wastewater treatment works P permit (mg TP/litre):	1

Stage 1 Calculated Loading

TP discharge from WwTW	7776	mg TP/day
Convert to kg/TP/d	0.007776	kg TP/day
Convert to kg/TP/yr	2.84	kg TP/yr
Annual wastewater TP load	2.84	kg TP/yr

Stage 2

User Inputs

Catchment:	Avon Hampshire
Soil drainage type:	Naturally wet
Annual average rainfall (mm):	850.1 - 900
Within Nitrate Vulnerable Zone (NVZ):	Yes

Existing land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Greenspace	1.25	0.03
Total:	1.25	0.03

Stage 3

User Inputs

New land use type(s)	Area (ha)	Annual phosphorus nutrient export (kg TP)
Residential urban land	1.13	1.98
Greenspace	0.12	0.00
Total:		1.25
		1.98

Please enter area in hectares.

Stage 4

Calculated Outputs

Annual Nutrient Budget

The total annual phosphorus load to mitigate is:

5.76 kg TP/year

Sustainable urban Drainage System (SUDS) Statement

In freshwater habitats and estuaries, poor water quality due to nutrient enrichment from elevated phosphorus levels is a contributing factor to habitat sites being in unfavorable condition. Mitigation through nutrient neutrality offers a solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site. Natural England considers that nutrient neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitat sites.

The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system. The total annual phosphorus load to mitigate is 5.76kg TP/year. The proposed onsite SUDS which have been accepted by the local authority will contribute to the mitigation of phosphates onsite. Please see the Flood Risk Assessment for a detailed description of the SUDS proposed for this development. This is an outline planning application and this proposal seeks to agree phosphate mitigation via the purchase of phosphate credits, through a unilateral undertaking.

Appendix 7 - Consultation Response Dates

Document	The date ecology documents are uploaded onto the planning portal	Date of ecology consultation response
Outline Planning Application	09/05/2022	09/11/2022
Additional information supplied	14/12/2022	14/06/2023
Additional information supplied	17/08/2023	11/10/2023