Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	21/11/2023
Application number:	PL/2023/07310
Proposal:	Outline application for demolition of 62 Newtown and detached garage, and construction of up to 4no dwellings (all matters reserved).
Site address:	62 Newtown, Westbury, BA13 3EF
Case officer:	Jemma Foster

Recommendations:

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

Further Information Required:

	Issue	Policy/Legislative Compliance	Date Information Requested & Further Information Required	Satisfactorily Addressed (Document & Date)
1.	Ecological Assessment	CP 50, WCA 1981, NPPF 2021, Hab. Regs.	**21/11/2023** – Submission of an Ecological Assessment	**NO**
2.	Biodiversity no net loss/ enhancement	CP 50, NPPF 2021	**21/11/2023** – Proposals to demonstrate no net loss of biodiversity	**NO**
3.	Trees/ Hedgerow	CP 50, NPPF 2021	**21/11/2023** – Proposals to demonstrate protection of trees/hedgerow	**NO**
4.	Ecological Parameters Plan	CP 50, WCA 1981, NPPF 2021, Hab. Regs.	**21/11/2023** – Submission of an Ecological Parameters Plan	**NO**

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

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.

The application is supported by a Bat Activity Survey report by Greena Ecological Consultancy. The report comprises the methodology and results of two bat emergence surveys carried out on

the site. The report does not provide any detail on the types of roosting opportunities present for bats or the suitability of these features for different bat species, this is particularly important given the sites location within a consultation zone for greater horseshoe bat associated with the Bath & Bradford on Avon Special Area of Conservation (SAC). Night Vision Aids were used during the surveys, however a screenshot of the field of view has not been provided in the report, this is contrary to Interim Guidance published by the Bat Conservation Trust (BCT) in May 2022. Furthermore, the two surveys (dated 15th May and 13th June) are not considered to have been carried out in accordance with BCT survey guidelines in terms of survey length and survey start/end times in relation to sunset. Justification has not been provided for the deviation from the guidelines however justification is unlikely to be accepted due to the potential for early and late emergences to have been missed. The report does not address any other ecological constraints or opportunities on the site.

The submitted plans indicate that the proposals will result in the loss of habitats on the site such as grassland, shrubs and hedgerow. 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 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.

To provide increased opportunities for biodiversity/ fauna/animals it is expected that new developments will provide integral features to benefit biodiversity such as for birds, bats and invertebrates. This will comprise integral features on new residential developments at the ratio of 1:1 feature to building. Integral features must seek to benefit a target species/s or group/s and demonstrate viability in terms of position on building, location and clustering in accordance with relevant guidance.

Habitat Regulations Assessment (HRA)

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.

Trowbridge Bat Mitigation Strategy (TBMS) - Grey Zone

The application site is located with the 'grey hatched' recreational zone of the TBMS. This is an area within a zone of influence within which new residential development is likely to result in increased recreational use of the woodland bat sites. New residential development proposals within this zone will be expected to contribute towards the delivery of mitigation to address strategic recreational pressure. Such mitigation will be paid for through Community Infrastructure Levy (CIL). Developers will not pay directly for strategic recreational mitigation. Funding will instead be calculated annually from the number of housing completions and taken from the CIL receipts at the following rate: For residential development, £641.48 per dwelling.

Bath & Bradford on Avon Bats SAC

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. A HRA 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 HRA to be undertaken.

Further Information Required

1. Ecological Assessment

   An Ecological Assessment must be carried out by a professional ecologist with the results submitted to the LPA in a report which includes the methodology and results of any field survey. The report must include (but not necessarily be limited to) the following:
   - An assessment of the suitability of the site and adjacent habitat for commuting, foraging and roosting bats (including SAC bats) and an assessment of potential impacts from the proposed development on commuting foraging and roosting bats (including SAC bats). The assessment should be supported by sufficient evidence.
   - An assessment of the impacts of the development on all other sensitive ecological features on the site and within the zone of influence. The assessment should be supported by sufficient evidence.
   - Recommendations for measures to be implemented to protect sensitive ecological features and to ensure wildlife is accommodated for within the development.

   The report must demonstrate how the proposals are in accordance with planning policy and legislation including the mitigation hierarchy and no net loss/enhancement.

2. Biodiversity no net loss/enhancement

   Submission of an unlocked Biodiversity Metric calculation spreadsheet that demonstrates the proposals will result in no net loss of biodiversity as a minimum. The spreadsheet should be supported by the completed condition assessment sheets used to inform the metric. Maps should also be submitted which show the specific areas of land/habitat identified in each row of the calculation tool for the baseline and operational phase of development. The maps should show the size of each area in an appropriate unit of measurement and should align with the Ecological Parameters Plan and any submitted landscape or planting plans.

   Features (e.g., hedgerows) which are to be managed to maintain and provide functionality of the landscape must be outside of the residential curtilage and accessible for management for the lifetime of the development.

3. Trees/Hedgerow

   A plan showing root protection zones of retained trees/hedgerows in relation to the development. The proposals must demonstrate that there will be no loss of integrity of trees/hedgerows.

4. Ecological Parameters Plan

   An Ecological Parameters Plan (EPP) is required. The EPP must clearly identify those areas of the site which are unconstrained, those areas where sensitive design or

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

The EPP must:

a) Include a scaled drawing showing existing ecological features which are to be retained and protected e.g., hedgerows, trees. Where appropriate the drawing should show buffers from these features with the buffer size stated in an appropriate unit of measurement.
b) Specify the buffer distance from light sensitive ecological features where the increase in lux levels will be zero or, if lux contours have been modelled, show contour lines for 1, 0.5 or 0.1 lux depending on the sensitivity of ecological features
c) Identify where new habitats will be created on site. The minimum area in hectares or length in metres and habitat type should be provided.
d) Identify areas where habitat enhancement will be undertaken. The minimum area in hectares or length in metres and habitat type should be provided.
e) Provide cross-sectional drawing to show profile of SuDs, ponds or wetland features to demonstrate there is adequate room for these features to have gently profiled sides and thereby maximise their biodiversity potential.

Final sign off – all matters addressed:

Ecologist	Date