

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	08/01/2024
Application number:	PL/2021/04084
Proposal:	Residential development of 41no. new dwellings comprising development on land to the west of Roger Way (Areas A&F), alongside the change of use of the vacant ground floor unit at Block C of the Old Sarum Local Centre (Area G), to provide for 7no. affordable apartments
Site address:	Land to the west of Roger Way and Old Sarum Local Centre (Block C), Old Sarum, Salisbury, Wiltshire
Case officer:	Richard Hughes

Recommendations:

☐	No Comment
☐	Support
☐	No objection
☐	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)
1	Ecological Impact Assessment (EcIA)	WCA, NPPF, CP50, Laverstock and Ford Communities Neighbourhood Plan – Policy 2c	08/01/2024 An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following: - Habitat - Reptiles	NO
2	Biodiversity Net Gain (BNG)	NPPF, CP50, Laverstock and Ford Communities Neighbourhood Plan – Policy 2c	08/01/2024 Submission of the condition assessment sheets used in the site assessment, together with the unlocked Biodiversity Metric spreadsheet used to calculate no net loss.	NO
3	Habitat Regulations Assessment (HRA) - Hampshire River Avon Special Area	Hab Regs	08/01/2024 A nutrient calculation and statement confirming measures have been adopted on Site to avoid and mitigate phosphorus burdens.	NO

	of Conservation (SAC) 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.

The ecology reports submitted to this application are welcome:

- Ecological Appraisal, No: 12115_R04a_CGS_HM, Date: 26/03/2021 by Tyler Grange
- Ecological Impact Assessment, Ref: 2156-EcIA-LT-Rev1, Date: 20 December 2023 by GE Consulting

The reports confirm the site has suitable habitat to support the following:

- Reptiles (Local Importance)
- Invertebrates (Local)
- Hedgehogs (Local)
- Breeding birds (Local)
- Badger (limited foraging potential)

Further clarification is required on the survey effort and the proposed mitigation measures.

1. Ecological Impact Assessment (EcIA)

Habitat

Justification supported by evidence is required to confirm the designation of "modified grassland" as the baseline grassland habitat. This evidence should include but not be limited to the percentage of cover of grass species including the cover of rye-grasses and white clover where present and the number of plant species per m². Clarification is also required on how a site walkover at a sub-optimal time of year for botanical surveys is sufficient to determine the habitat assemblage.

Specific justification is required on why some sections of the site are not designated as "Open mosaic habitats on previously developed land".

The above information is also required to inform the BNG requirements and is discussed further in Section 2 of this consultation response.

Reptiles

Justification supported by evidence is required to confirm why further surveys for reptiles were not completed to determine the importance of this site for these species.

Mitigation Measures

A Biodiversity Mitigation and Enhancement Plan is required which details the location and specification of the biodiversity mitigation and enhancement measures such as but not limited to

the bat and bird boxes, hedgehog highways in property fences and reptile hibernacula. The integral features on new developments should be created at the ratio of 1:1 feature to building in accordance with best practice guidelines. Integral features must seek to benefit a target species or group and demonstrate viability in terms of position on building, location and clustering in accordance with relevant guidance. The location and specification of the integral features should be included in the proposed elevation drawings.

2. Biodiversity Net Gain (BNG)

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. Laverstock and Ford Communities Neighbourhood Plan 2021 to 2036, Policy 2(c) also states; *“development shall:*

- *be supported by an ecological assessment of the proposed development, including quantitative evidence of biodiversity net gain using Natural England’s Biodiversity Metric”*

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.

The unlocked Biodiversity Metric calculation spreadsheet should be supported by the condition assessment sheets and maps.

Any proposed new individual trees should be allocated the size of “small” and not “medium”.

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

The submitted evidence suggests the development will result in at least a loss of 4.24 units and measures to deliver net gain are not proposed. Any off-site mitigation/compensation measures will need to be secured by an appropriate legal agreement such as but limited to a S106.

The issue of no net loss/BNG must be addressed prior to determination of this application.

3. Habitat Regulations Assessment (HRA) - Hampshire River Avon Special Area of Conservation (SAC) catchment

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-mains 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.

New Forest Protected Sites - 15km recreation zone

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 1.1, 21 March 2023) 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 17 April 2023 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: Contributions through CIL towards SAMM.

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

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

1. Water Efficiency in River Avon Catchments

The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON:

To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

2. Construction Environment Management Plan (CEMP)

Prior to the commencement of works, including demolition, 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 for protected/priority species, such as nesting birds, badgers and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) 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.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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. Landscape and Ecology Management Plan (LEMP)

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 should encompass the on-site and off-site mitigation areas and will include:

- a. Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (REF TBC).
- b. Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in: (REF TBC).
- 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.

Final sign off – all matters addressed:

Ecologist	Date
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