

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	21/02/2024
Application number:	PL/2023/09142
Proposal:	Outline application (with Access to be determined) for development of a new Motorway Rest Area (MRA) to provide up to 241 car parking spaces; up to 63 Heavy Goods Vehicle (HGV) parking spaces; coach and caravan parking; amenity building; fuel filling station; new roundabout access from B4005; and associated landscaping, infrastructure and ancillary works.
Site address:	Land at Junction 16 (M4), Swindon
Case officer:	Olivia Tresise

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 (EclA)	CP50, NPPF, WCA, Hab Regs	21/02/2024 An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: - Tree Protection Orders (TPO) - Great Crested Newt - Reptiles - Bats	NO
2	Ecological Parameters Plan (EPP)	CP50, NPPF	21/02/2024 A suitable EPP, see comment for further details.	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.

The following documents submitted to this application response are welcomed:

- Biodiversity Impact Assessment, Swindon Services, Date: 11 September 2023 by Ecology by Design Ltd
- Biodiversity Metric 4.0 Calculation Tool, Version: V2, Date: 12 September 2023 by Ecology by Design Ltd
- Arboricultural Impact Assessment & Arboricultural Method Statement, Date: 18th September 2023, by Patrick Stileman Ltd.
- Environmental Statement: Volume 1, 784-B048803, Chapter 10: Ecology, Date: September 2023 by Tetra Tech Limited
- Environmental Statement: Volume 2, 784-B048803, Appendices Chapter 10 Environmental Statement: Volume 2 by Tetra Tech Limited
- Exterior Lighting Survey, Design & Calculation Report, Swindon Services, Date: 17.10.2023 by SKR Lighting Design
- Drawing: Swindon Services Proposed Layout Plan (Illustrative), Number: M49_101, Rev: G, Date: 06/09/23 by Beech Design
- Drawing: Swindon Services Parameters Plan, Number: M49_110, Rev: C, Date: 16/10/23 by Beech Design

It should be noted that the comments below are reliant on the accuracy and completeness of the submitted documents, and we do not take any responsibility for incorrect data or interpretation made by the authors.

The Biodiversity Impact Assessment and Biodiversity Metric report different values for the net change in habitat and hedgerow units. Although the exact net change is uncertain, the submitted information provides reasonable certainty that the continued functionality of the area for biodiversity will remain and the development will likely result in a biodiversity net gain.

The ecology report confirms the presence/likely presence of:

- Badger (foraging and commuting)
- Reptiles
- Habitats of Local significance
- Great Crested Newt (GCN)
- Bats (foraging, commuting and features with high roost suitability)
- Breeding Birds
- An invertebrate assemblage of insignificant importance.

Although no evidence of badger setts was confirmed they are a mobile species and it is considered likely the site hosts suitable habitat for badgers to establish setts. Therefore, the conditioned CEMP (if this application is approved) should include a pre-works construction walk over and other suitable measures to ensure badgers and the other protected species/habitats are suitably protected.

The report scopes out hazel dormice from being present on the site, however, the adjacent woodland contains recent records for this species. Therefore, the conditioned CEMP should include the suitable measures if this species is identified in the Zone of Influence during the construction phase.

If this outline application is approved the conditioned LEMP should include a detailed planting plan which incorporates the recommendations made in the "Boundary Treatment, landscaping and screening" National Highway's comment. The conditioned LEMP should also detail the location and specification of the protected species mitigation/enhancement measures such as but not limited to those in Sections 10.5.11 and 10.5.12. **Any integrated measures such as but**

not limited to bird and bat boxes should be included in the relevant building elevation plans at Reserved Matters. Suitable measures for reptiles are discussed further in Section 1 of this comment.

1. Ecological Impact Assessment (EcIA)

Tree Protection Orders (TPO)

We request that the Tree Officer is consulted to confirm the proposed strategy in the *Arboricultural Impact Assessment & Arboricultural Method Statement* suitably protects the existing TPO habitats on the site during the construction phase and these habitats will remain functional during the proposed development's operational phase.

Great Crested Newt (GCN)

The applicant has indicated that they wish to use the Great Crested Newt District Licensing Scheme for this proposal. However, the application to the LPA does not include the signed and countersigned Impact Assessment Conservation Payment Certificate (IACPC), nor ANNEX 3 of this document including the location plan of the development. We are therefore unable to verify that the location to be licensed corresponds with the red line boundary of the application or that Natural England has confirmed that the proposal meets the initial criteria necessary to be included in the scheme. This information is required prior to determination of this application.

Informative

The scheme will be operating under a District Level Licence (DLL) for Great Crested Newts. Great Crested Newts are protected under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation.

Reptiles

Prior to determination, confirmation is required on the location of a suitable reptile receptor site in the event that reptiles are discovered during the construction phase. This receptor site should be shown on the EPP (see Section 2 of this comment). The conditioned CEMP should include the details of how the reptile receptor site will be managed prior to / during and post-construction of the proposed development.

The conditioned LEMP should include the management of reptile mitigation/enhancement features such as but not limited to hibernacula and basking sites.

Bats

Section 3.6.1 of the bat report within *Environmental Statement: Volume 2, 784-B048803, Appendices Chapter 10 Environmental Statement: Volume 2* by Tetra Tech Limited states: "The September 2023 surveys are yet to be completed but will be included within the final report."

This information needs to be submitted prior to determination to inform the site's ecological baseline importance for bats and consequentially the suitable avoidance and mitigation measures.

The bat report confirms the presence of a tree (T2) with high bat roost suitability. This tree is Tree 13 in the *Arboricultural Impact Assessment*. The Ecology Chapter in the Environmental Statement: Volume 1, states that tree T2/Tree 13 will be retained but the *Arboricultural Impact Assessment* recommends its removal. Clarification is required if this tree will be retained or removed. If the tree is retained the adjacent proposed roundabout has the potential to create significant disturbance to any potential roosting bats. Therefore, justification supported by evidence is required on why further bat surveys were not completed to determine the importance of this tree for roosting bats.

2. Ecological Parameters Plan (EPP)

An Ecological Parameters Plan (EPP) is required. A parameters plan (Parameters Plan, Number: M49_110) has been submitted to this application which includes the footprint areas and is welcomed. However, the area boundaries in this plan are vague and is not suitable to condition as an EPP. Instead, we request Drawing: *Swindon Services Proposed Layout Plan (Illustrative)*, Number: M49_101, Rev: G, Date: 06/09/23 by Beech Design is amended with the below information to create a suitable EPP (the name of the drawing doesn't need to change).

The amended *Proposed Layout Plan* 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 amended *Proposed Layout Plan* will become an 'approved document' of any outline permission granted and any reserved matters application must be in compliance with the plan.

The amendments should include but not be limited to:

- Specify the minimum distance from the edge of boundary habitat features to the footprint of the built development areas. For example, the distance from the RLB to the hardstanding on the northern boundary. Some documents indicate a 5m landscape buffer would be created here but drawings *Proposed Layout Plan (Illustrative)*, Number: M49_101 suggests the lorry parking and sub-stations cuts into this 5m buffer. Another example is the minimum distance from the TPO's to development should also be clearly stated.
- The dimensions of the SUDS
- The trees with confirmed bat roosts those and with bat roost potential.
- The vegetation to be retained.
- The location of the reptile's receptor site.

The proposed biodiversity mitigation field on the east of the site is welcomed. The RLB is this area cuts across the field in the south-eastern corner and does not follow the hedge line. Consequentially, RLB and the proposed mitigation habitat will not be clearly delineated on site. This vague boundary will be problematic for any future maintenance and monitoring. Therefore, the proposed landscaping should include a linear feature such as but not limited to a hedgerow or line of individual trees to clearly show this boundary. This linear feature should be shown on the amended *Proposed Layout Plan*.

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. Compliance with submitted documents

The development will be carried out in strict accordance with the following documents:

- Exterior Lighting Survey, Design & Calculation Report, Swindon Services, Date: 17.10.2023 by SKR Lighting Design
- amended *Proposed Layout Plan*. [tbc]

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

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, bats, GCN, dormice, badgers and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for reptiles, badgers and 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 Biodiversity Metric 4.0 Calculation Tool, Version: V2, Date: 12 September 2023 by Ecology by Design Ltd
- b. The approved protected species mitigation/enhancement measures.
- c. Monitoring, management and maintenance responsibilities and schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme.
- d. The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- e. A procedure for review and necessary adaptive management in order to attain targets.
- f. Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

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

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

4. Lighting

No additional external artificial lighting (that is not already detailed in report: Exterior Lighting Survey, Design & Calculation Report, Swindon Services, Date: 17.10.2023 by SKR Lighting Design) shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

Final sign off – all matters addressed:

Ecologist	Date
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