Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	04/03/2024
Application number:	PL/2023/09834
Proposal:	Change of use from grassland adjacent to camping field to enclosed area to be used as an extension to the boat park (Resubmission of PL/2022/07823)
Site address:	Whitefriars Sailing Club, Whitefriars Lane, Ashton Keynes, Swindon, Wilts, SN6 6FW
Case officer:	Steve Tapscott

Recommendations:

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

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
~~1~~	~~Revised mitigation strategy~~	~~CP50, NPPF~~	~~**07/02/2024** An amended biodiversity restoration and improvement plan~~	**YES** Land at Whitefriars Sailing Lake Preliminary Ecological Appraisal Report, Revision: 1 Date: March 2024 by Link Ecology Ltd **04/03/2024**

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

The ecology report (Land at Whitefriars Sailing Lake Preliminary Ecological Appraisal Report, Date: September 2023 by Link Ecology Ltd) submitted to this application is welcomed. The report details a sufficient survey effort to determine the ecological baseline of the site.

The site is located within Cotswold Water Park (Pit 26) County Wildlife Site (CWS) and surrounded by Cotswold Water Park Site of Special Scientific Interest (SSSI). Therefore, it is within a significantly important area for Ecology. The site is directly adjacent to the existing boat storage yard and has recently been subjected to significant ground disturbance as part of the boat house's sewage waste treatment upgrade. Prior to the site's clearance the available evidence suggests the site hosted scrub, ruderals and unmanaged grass which could have hosted notable species such as but not limited to reptiles, amphibians, nesting birds and invertebrates.

Any impact to a CWS should be avoided, if this is not possible the impacts need to be suitably justified (which is supported by evidence), and the mitigation will need to be significant yet proportional to the scale of the development.

The proposed extension of the boat park will significantly impact this area. Further boat storage is not considered to be suitable justification for impacting a CWS. However, the evidence submitted to this application provides reasonable certainty that:

- This area was not of integral importance for the functionality of the CWS.
- The proposed area is the most appropriate siting to ensure the impacts are minimised.
- The absence of hardstanding in the proposed design will ensure some functionality for biodiversity by the creation of disturbed bare ground habitat which can support early successional botanical and invertebrate communities.
- Most importantly, the proposed mitigation will ensure the development results in the overall enhancement of the CWS.

The adjacent grassland is a designated camping site and although grassland is an important habitat in its own right its significance for ecology is reduced due to the occupational use. Therefore, the proposed habitat creation mitigation strategy in this grassland area is considered to be suitable in this instance. The proposed planting of scrub and trees will ensure the previous functionality of the site prior to its clearance is restored. The inclusion of strategically species such as black poplar and barberry is welcomed. The mitigation area is seemingly larger than the RLB of the site therefore it is considered likely that a net gain in habitat designated for biodiversity will be achieved.

~~The proposal of enhancing the grassland is theoretically suitable, however, the boundary between the mitigation grassland the camping area is not clearly delineated. Consequently, there is a significant concern that the mitigation grassland will be used for recreational purposes (even if unintended by the applicant) and the proposed grassland enhancement will not readily be achieved.~~

~~Our objection to this application can be readily overcome if the following information requests are sufficiently addressed:~~

1. ~~Since the mitigation area is off-site and outside the Red Line Boundary, the case officer needs to be satisfied that the mitigation can be secured by an appropriate condition legal agreement.~~

2. ~~An amended biodiversity restoration and enhancement strategy is provided which clearly shows:~~

- ~~The dimensions of the mitigation area (i.e. a line annotated with "X" meters long) with the total area being at least 10% larger than the RLB area. Consideration should be given to extending the mitigation area south to create a north-south commuting corridor across the "island".~~
- ~~The proposed boat storage area will remain as grassland/bare ground i.e. no hard surfacing will be installed.~~
- ~~A fence to be installed around the proposed boat storage area to clearly separate the boat storage to the mitigation habitat.~~
- ~~The grassland enhancement aspect of the proposed mitigation area should be removed, and the proposed habitats should only be scrub and tree planting.~~
- ~~The inclusion of a reptile hibernacula/basking habitats with the mitigation area (if still present, the retention of the existing brash pile is considered to be suitable in this instance).~~

Habitat Regulations Assessment (HRA) - Test of likely significance – North Meadow Special Area of Conservation (SAC)

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 (Amendment) (EU Exit) Regulations 2019. This concluded that given the nature of the development 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

1. **Lighting**

No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: In the interests of conserving biodiversity.

2. **Compliance with submitted documents**

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

- Appendix 2 of the report: Land at Whitefriars Sailing Lake Preliminary Ecological Appraisal Report, Revision: 1 Date: March 2024 by Link Ecology Ltd

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

3. **Biodiversity Mitigation and Enhancement Strategy**

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner,

- All shrubs, trees and hedge planting shall be maintained in accordance with Appendix 2 of the report: *Land at Whitefriars Sailing Lake Preliminary Ecological Appraisal Report, Revision: 1 Date: March 2024 by Link Ecology Ltd* for the duration of the development from the commencement of the scheme and shall be protected from damage by vermin and stock.
- Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy

Final sign off – all matters addressed:

Ecologist **Max Hemmings**	Date **04/03/2024**