Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	15/04/2024
Application number:	PL/2023/11219
Proposal:	Erection of 4No dwellings (Outline application with all matters reserved except for Access and Layout).
Site address:	133 Yarnbrook Road, West Ashton, Trowbridge, BA14 6AF
Case officer:	Meredith Baker

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.	Bats	WCA 1981, Hab. Regs., TBMS	**15/04/2024** – Bat Mitigation Strategy	**NO**
2.	Biodiversity no net loss	TBMS, CP50	**15/04/2024** – Unlocked Biodiversity Metric excel, habitat condition sheets and maps.	**NO**
3.	Ecological Parameters Plan	TBMS	**15/04/2024** – 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 the following ecology reports:

- Preliminary Ecological Appraisal. V2. Arbtech.
- Bat Activity Survey & Assessment. V1.1. Ellendale Environmental.

The Bat Activity Surveys recorded Bechstein's and greater horseshoe on the site, which are Annex II species and section features of the Bath & Bradford on Avon bat Special Area of

Conservation (SAC). Barbastelle was also recorded. The ecology reports confirm the semi-improved grassland onsite has value to foraging and commuting bats, with the boundaries of the site (hedgerows and stream) considered to be an important commuting corridor and foraging habitat used by all three target bat species associated with the Trowbridge Bat Mitigation Strategy and SAC.

Onsite hedgerows have been recorded as priority habitat. Submitted plans indicate that hedgerows will be retained however the Council's Highway Department have commented (C-1410113, 11/03/2024) that the current plans do not illustrate adequate access or visibility splay, meaning some hedgerow may require removal.

The site is also considered to have potential to support amphibians, badger, hedgehog, reptiles and nesting birds. Precautionary working methods have been recommended to protect these species/species groups from harm during construction activity.

Biodiversity No Net Loss

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 180 d). 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 Trowbridge Bat Mitigation Strategy requires development to fully mitigate on site for the loss of habitat to ensure no net loss using an established metric.

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 Habitat Regulations Assessment for the Wiltshire Core Strategy and the Habitat Regulations Assessment 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 adverse effects on site integrity 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.

Habitat Regulations Assessment (HRA) - Bats

The application site is located within the red high-risk zone of the Trowbridge Bat Mitigation Strategy and a consultation zone for Bechstein's bat associated with the Bath & Bradford on Avon Bats SAC. The development therefore has potential to result in significant adverse impact on the special features of the SAC and must be considered under the Habitat Regulations.

Trowbridge Bat Mitigation Strategy

The application site is located within the red high-risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted Feb.2020). The Red Zone is located within 600 m of woodlands or trees known to support maternity roosts for Bechstein's bat. New development of greenfield or residential brownfield sites within this zone is likely to result in high and unacceptable risks to bat populations, as a result of increased recreational pressure on key woodland sites and/or as a result of habitat loss. As such, development of new sites within this zone is highly unlikely to be permitted, and there should be no net increase in new residential curtilage or light levels within the zone.

It is not currently clear whether the site would constitute residential curtilage. The submitted ecology documents report that the site boundary along West Ashton Road is already subject to artificial lighting from streetlights, this has not been evidenced with a baseline lighting report.

Policy 8 of the West Ashton Neighbourhood Development Plan (NDP) sets out a requirement that all development will need to comply with guidance on survey and mitigation contained in the TBMS. The NDP also reiterates that *"development is unlikely to be permitted in areas identified as being of high sensitivity for bats"*.

In order for the Habitat Regulations Assessment to be completed the application must demonstrate compliance with the TBMS.

DRAFT APPROPRIATE ASSESSMENT (AA)

Reasons this AA can't be concluded favourably are shown in red text.

PART A: INFORMATION REVIEWED	
Information about the plan or project	Application reference PL/2023/11219 Erection of 4No dwellings (Outline application with all matters reserved except for Access and Layout). A Bat Activity Survey report confirms hedgerows present at the site boundaries are used by two SAC bat species (greater horseshoe and Bechstein's) and concludes that the hedgerows and stream are of high value for the local bat population (including SAC species lesser horseshoe bat). The boundary hedgerows and stream are therefore considered core bat habitat.
Natura 2000 site(s)	Bath and Bradford on Avon Bats SAC
List of European Site interest features	This development is screened into appropriate assessment in relation to the Bath and Bradford on Avon Bats SAC as it lies within the TBMS red zone where the Council has identified that new development is likely to result in high and unacceptable risks to bat populations. Background information for this appropriate assessment is contained in the TBMS which was adopted as of February 25th February 2020 as a key supporting strategy of the Wiltshire Housing Sites Allocation Plan (WHSAP). The SAC's qualifying Features are as follows: 1. Bechstein's bat *Myotis bechsteinii* 2. Greater horseshoe bat *Rhinolophus ferrumequinum* 3. Lesser horseshoe bat *Rhinolophus hipposideros* The conservation objectives for the site are: "To e*nsure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;* • *The extent and distribution of the habitats of qualifying species;* • *The structure and function of the habitats of qualifying species;* • *The supporting processes on which the habitats of qualifying species rely* • *The populations of qualifying species; and* • *The distribution of qualifying species within the site."* Publication Date: 27th November 2018 – version 3. This document updates and replaces

	an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations 2017.
Information about the site	Supplementary advice was published by Natural England last updated on 20 March 2019 and sets outs further details of the requirements needed to achieve the conservation objectives. Of particular relevance to the Trowbridge area is the need to "Maintain the presence, structure and quality of any linear landscape features which function as flightlines. These should remain unlit functioning as dark corridors." In the Site Improvement Plan dated 1 April 2015, the lack of knowledge about the roosting habits of Bechstein's and the foraging / commuting habitats of all three SAC species is judged by Natural England to be a threat to achieving the conservation objectives of the SAC. Bat ringing data has shown the same bats using Green Lane Wood (and surrounding woodlands) and the SAC. The woodlands are therefore considered to be functionally linked to the SAC and it is possible the conservation objectives for the SAC may not be met if the bats are disturbed or prevented from breeding there. Studies have shown that Bechstein's bats are not confined to the woodlands but travel to find additional foraging and roosts outside them. Consequently, the TBMS recognises the importance of both the woodlands and their surrounding habitats through 2 buffer zones. i) Extending 600m from the woodland edge, the red zone is an area of development restraint due to the high probability that this zone is of current and future importance for maintaining the breeding colonies. ii) ii) Beyond this the yellow zone, which takes into consideration the foraging areas and flightlines of horseshoe bats, is anticipated to be able to accept a degree of development pressure provided applications are designed in accordance with the principles in the TBMS. iii) The grey hatched zone identifies the distance within which 75% of visitors to Green Lane Wood, Biss Wood, Picket and Clanger Woods are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone.
Other relevant plans or projects	• Wiltshire Core Strategy adopted January 2015 • Trowbridge Bat Mitigation Strategy • PL/2023/05469; PL/2023/05555; PL/2023/05554; PL/2023/05556 - Land to the east of Hilperton Drive (McDonalds) • 15/04736/OUT - Land south-east of Trowbridge ("Ashton Park") • PL/2022/05426 - Land south west of White Horse Business Park • 20/03641/OUT - Land south of White Horse Business Park • PL/2021/09739 - Land Rear of 54 Woodmarsh • PL/2023/10205 - Land North of Southwick Road and South of The Rank, • PL/2022/09425 – Elm Grove Farm

Item	TMBS criteria	Details provided for Application
1	Surveys should be completed: • In accordance with Council pre-application advice if provided • In accordance with BCT Good Practice Guidelines and the specifications described in Section 6 (p25-28) of the TBMS • Could mating sites have been overlooked (survey April and October for male roosts)	Surveys have been completed and the results are presented in Bat Activity Surveys and Assessment. Ellendale Environmental (4th December 2023). Static detectors placed on the site boundaries confirm boundary features to be used by two SAC bat species (greater horseshoe and Bechstein's) and concludes that the site boundaries are of high value for the local bat population. The hedgerows are therefore considered core bat habitat. The importance of the on-site grassland as a foraging resource for SAC bats has not been evidenced. The static surveys did not cover the permanent grassland habitat onsite as detectors were located at

		the boundaries only. Furthermore, bat behaviour cannot be observed using this survey method and given the directional nature of horseshoe bat calls, the use of the grassland habitat by SAC bats cannot be discounted using this survey method. Transect surveys of the site were carried out, however these finished two hours after sunset which is not considered sufficient to capture later emerging species such as horseshoe and Bechstein's bats.
2	Masterplan to be provided which covers entire allocation (referenced in WHSAP housing policies) and identifies: • Core Bat Habitat features • That sufficient land can be set aside to achieve 100% mitigation for loss of habitat due to development footprint • The quantum of residential units	Not applicable as this is not a WHSAP allocation.
3	<u>For outline applications</u>, Parameters Plan (para 142) to address: • Specific site design measures/restrictions to deliver the Masterplan. • Areas to remain undeveloped. • Areas to form landscaping.	A Parameters Plan has not been submitted, this is required. The Parameters Plan must demonstrate that the development will be able to deliver the minimum standards of habitat mitigation as set out in (Section 8.2 and Figure 6 in the TBMS). There does not appear to be sufficient space onsite to deliver the minimum standards of habitat mitigation along core bat habitat.
4	Biodiversity Net Gain Calculations demonstrate 100 % mitigation has been provided for all habitat lost where the yellow zone and the application boundary overlap (NB the Biodiversity Metric Calculation excel spreadsheet should be provided). The calculation is supported by maps showing the specific areas of land identified in each row of the calculation tool for the baseline and operational phase of development.	A Biodiversity Metric has not been submitted, this is required.
5	<u>For reserved matters and full applications</u>, an Ecological Mitigation Plan to be submitted containing (para 143): (i) Scaled drawing to show • Details of replacement roosts. • Commuting routes and foraging habitat to be retained, created and enhanced. • Location/extent and full landscape specifications for tree and shrub planting, wildflower grassland etc. • Location of temporary work areas. • Limit of built development (ii) Schedule of works covering removal, enhancement and creation of habitat features in relation to timing of construction works. (iii) Detailed and scaled cross sections to accurately locate development and vegetation features	Not applicable as this is an outline application.

6	The EMP proposals submitted for item 5 above are in accordance with the standards for habitat mitigation and management as described at section 8.2 and Figure 6 in the TBMS.	Not applicable as this is an outline application. However, it should be noted that it does not appear as though there is sufficient space on site to deliver the minimum standards of habitat mitigation along core bat habitat.
7	For Reserved Matters and Full applications, CEMP to set out: • Location of temporary work areas. • Schedule of works covering removal, enhancement and creation of habitat features in relation to construction works. • Details of compliance arrangements and how staff will interface with Council TBMS Project Officer. • Management of habitats during the construction phase.	Not applicable as this is an outline application.
8	Application to demonstrate retained core bat habitat connects to the wider habitat network.	Required, refer to item 3.
9	Application to demonstrate measure to ensure core bat habitat will remain relatively undisturbed by the effects of urbanisation.	Required, refer to item 3.
10	For Reserved Matters and Full applications, LEMP to set out: • Plan showing extent of habitats which the Management Company will be responsible for • Management objectives for each habitat • 1 and 5 year schedules of management activities including replacement /restoration works where damage occurs. • Review mechanism	Not applicable as this is an outline application
11	The potential impacts of lighting are adequately modelled and assessed with appropriate mitigation included to minimise the effects artificial lighting across the site in accordance with section 8.3.	Not applicable as this is an outline application
12	An appropriate lighting monitoring regime has been provided.	Not applicable as this is an outline application
13	Appropriate mechanisms for maintenance, monitoring and remediation of mitigation measures have been submitted covering relevant phases of development including the post construction period.	Not applicable as this is an outline application
14	The applicant agrees that a financial contribution towards the Council led scheme for mitigating residual effects from loss / degradation of bat habitat will be secured by S106.	Criterion will be met if a contribution of £777.62 per dwelling is secured through S106. Include in Heads of Terms for S106

		Applicant to confirm.
15	Is it likely that the CIL funded, Council led scheme, to offset residual effects from recreational pressure at woodlands used by breeding bats will be able to cover impacts arising from the application under consideration?	This development is covered by the costs identified in Appendix 2 of the TBMS. The Council will contribute £641.48 per dwelling from CIL towards delivery of projects in Appendix 2. Include in Heads of Terms for S106

Further Information Required:

Insufficient information has so far been submitted to enable an AA to be completed, which must be completed, and the conclusion agreed with Natural England prior to the application being determined. Further information is also required to demonstrate that the development is in accordance with the TBMS (and therefore Policy 8 of the West Ashton NDP) and Core Policy 50.

1. Bat Mitigation Strategy

   The Strategy must set out how the development will comply with Section 8.2 of the TBMS. The entire north-northwestern boundary will be expected to have a minimum 30 m buffer (see Figure 6 of the TBMS) to ensure the site continues to provide a dark commuting corridor and foraging habitat availability for SAC bats. Habitats within the buffer must be managed for the benefit of bats and must be wholly outside of residential curtilage.

2. Biodiversity Metric

   A statutory metric is now available to calculate the predicted change in biodiversity value of a site. It is therefore expected that the completed statutory metric calculation is submitted including the condition assessment sheets and drawings showing habitat areas to demonstrate that the development will result in no net loss in biodiversity. No net loss must be delivered onsite and outside of the residential curtilage.

3. 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, stream. The drawing should show buffers from these features with the buffer size stated in an appropriate unit of measurement. Buffers must be in accordance with Section 8.2 and Figure 6 in the TBMS.
   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. Dark corridors must be designed in accordance with Section 8.3 of the TBMS.

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. This should accord with the submitted Biodiversity Metric.
d) Identify areas where habitat enhancement will be undertaken. The minimum area in hectares or length in metres and habitat type should be provided. This should accord with the submitted Biodiversity Metric.
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.

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. It is unlikely that development in the TBMS red zone will be able to provide adequate mitigation to enable an assessment under the Habitats Regulations to conclude, beyond reasonable scientific doubt, no adverse effect on the integrity of the SAC. It should therefore be noted that submission of the required information does not guarantee that the ecology objection can be overcome.

Final sign off – all matters addressed:

Ecologist	Date