Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jenna Buss
Date:	22/04/2024
Application number:	PL/2023/10721
Proposal:	Works to create a wetland habitat for biodiversity and environmental benefit.
Site address:	Pasture Land North of Stockley Wood, Stockley Wood, Ridge, Nr Salisbury
Case officer:	Julie Mitchell

Recommendations:

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

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 following submitted documentation was reviewed to inform this response:

- Baseline Wildlife Habitat Survey. June 2023. Helen Pengelly;
- Site Plan of Ponds 1-6.
- Planning Design and Access Statement. Patrick Durnford on behalf of Fonthill Farms

We note the proposal to create wetland habitat for the benefit of biodiversity through the creation of a number of ponds. The site lies within the Chilmark Quarries Special Area of Conservation (SAC) and within core buffer zones for Barbastelle, Bechstein, greater horseshoe and lesser horseshoe bats. The site is currently managed as pasture for sheep grazing. We note that the proposlas are to retain hedgerow and woodland boundaries, which is welcomed. No evidence of protected species was identified on site, however an area of ancient woodland exists along the southern boundary. It is anticipated that bats use the area for foraging and commuting and therefore the woodland edge must be protected from damage during construction. On completion of earth moving it is noted that the proposals are for natural regeneration.

Chilmark Quarries SAC

The site is located within core buffer zones for Barbastelle, Bechstein, greater horseshoe and lesser horseshoe bats. 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 scale and nature of the development, there is no mechanism for adverse effect/any temporary construction

impacts and operational impacts would be de-minimus. **The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.**

Hampshire River Avon 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. 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 Regulations 2017 (as amended). This concluded that there is no mechanism for adverse effect and operational impacts would be de-minimis.

BNG
This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory. 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 biodiversity gains. The NPPF also encourages applications to deliver measurable net gains (para 180 d).

As the site is currently grazed farmland assessed as *low to moderate ecological value to wildlife*, the project proposal is considered to increase the ecological value of the site and is considered sufficient to demonstrate no net loss of biodiversity.

It was noted within the Planning Design and Access Statement that '*it is proposed that the BNG and nutrient interception will be recorded as an asset which potentially could be sold or traded*. In order to do this we advise that a metric baseline is undertaken prior to commencement of works in order for a full assessment of BNG to be carried out.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
    - Baseline Wildlife Habitat Survey. June 2023. Helen Pengelly;
    - Site Plan of Ponds 1-6.

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

2. 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:
    - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
    - Working method statements for protected/priority species, such as nesting birds and reptiles.

    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.

INFORMATIVES:

Bats
There is a low risk that bats may occur at the site. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Nesting Birds
All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Reptiles
There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

Final sign off – all matters addressed:

Ecologist	Date
Jenna Buss	22/04/2024