

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	30/04/2024
Application number:	PL/2023/10495
Proposal:	Conversion of Elmfield House and outbuildings to 6 x dwellings and the erection of 15 dwellings, hard and soft landscaping and associated works
Site address:	Elmfield House, Petersfinger, SP5 3BZ
Case officer:	Lynda King

Recommendations:

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

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date)
1	Ecological Impact Assessment (EcIA)	CP50, NPPF, NERC, Hab Regs	30/04/2024 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: - Bats - Habitat including Priority Habitat Deciduous Woodland and ponds - Otter - Hazel dormice	NO
2	Habitat Regulations Assessment (HRA): Hampshire River Avon Special Area of Conservation (SAC) Catchment	Hab Regs	30/04/2024 A completed nutrient calculator tool and a suitable phosphorous mitigation strategy.	NO
3	New Forest Internationally Protected Sites	Hab Regs	30/04/2024 Confirmation for the acceptance of payment through planning obligations.	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 relating to ecology that have been submitted to this application are welcomed:

- Arboricultural Report, Elmfield House, Ref: 308423, Version: 1.0, Date: 3rd November 2023 by Bourne VP Ltd
- Drawing: Ecology Bat Loft, No: 21, Date: 17/11/2023 by Paul Stevens Architecture Ltd
- Drawing: Ecology Site Plan, No: 20, Date: 17/11/2023 by Paul Stevens Architecture Ltd
- Drawing: Proposed Hard Landscaping, No: 22, Rev: C, Date: 17/11/2023 by Paul Stevens Architecture Ltd
- Drawing: Landscape Plan, No: 414_PN_01, Rev: B, Date: 22/01/2024 by New Enclosure Landscape Consultants
- Drawing: Soft Landscape Plan, No: 414_PN_02, Rev: B, Date: 22/01/2024 by New Enclosure Landscape Consultants
- Bat Activity Survey, Ref: 4775.1, Date: September 2023 by Daniel Ahern Ecology Ltd
- Biodiversity Net Gain Assessment, Elmfield House, Date: 19/01/24 by Ecosupport Ltd
- The Statutory Biodiversity Metric, Date: 19 January 2024
- Great Crested Newt Report, Elmfield House, Ref: 4775.1, Date: October 2023 by Daniel Ahern Ecology Ltd
- Reptile Survey Report, Elmfield House, Ref: 4775.1, Date: July 2023 by Daniel Ahern Ecology Ltd
- Ecological Appraisal Survey Report, Ref: 4775.1, Date: September 2023 by Daniel Ahern Ecology Ltd

The ecology survey effort confirmed the following within the Zone of Influence of the proposed development:

- At least 20 access/egress points for 9 building bat roosts with five species of bat:
 - o Building 1 (Elmfield House) hosts a maternity brown long-eared roost (max count 9 individuals) along with day roosts for the following species: common pipistrelle (max count 2 individuals), soprano pipistrelle (2), serotine (2) and Myotis sp. (1).
 - o Building 2 (Yew Tree Cottage) hosts day roosts for the following species: brown long-eared (max count 2 individuals), common pipistrelle (1), soprano pipistrelle (1) and serotine (1).
- The likely absence of roosting bats in Building 3 (The Stable) and Building 4 (The Barn) although brown long-eared foraging/feeding behaviour was observed in the Barn and clarification is required on the reporting for the Barn (see Section 1 of this response).
- In addition to the above roosting species, low numbers of noctule bat passes were recorded on the site during the emergence surveys.
- Suitable aquatic and terrestrial habitat for amphibians.
- The likely absence of Great Crested Newt (GCN) using the ponds on site.
- Habitats include: semi-improved grassland, amenity grassland, individual trees, ditch broadleaved woodland, ruderal shrubs, scrub, buildings, hardstanding and bare ground.
- Suitable habitat for otter, hazel dormice and badger.
- A population of slow-worms (max count of 4 individuals).

Although no evidence of badger was confirmed they are a mobile species, and it is considered likely for the site hosts suitable habitat for badgers (setts, foraging and commuting). Therefore,

the conditioned CEMP (if this application is approved) should include the suitable pre-construction surveys and other measures to ensure badgers and the other relevant protected species/habitats are suitably protected.

1. Ecological Impact Assessment (EcIA)

Bat

Clarification is required on why internal access to Building 1 (Elmfield house) was not granted. The absence of internal roost information is a significant limitation to the survey effort. Information on the internal roost dimensions and conditions carries significant in determining the appropriate mitigation/compensation. Further survey and mitigation might be required subject to the result of this information request.

Figure 4 in the Bat Activity report suggests a common pipistrelle emerged from the Barn which does not align with the rest of the report. Clarification is required if the Barn is a confirmed bat roost.

In accordance with the mitigation hierarchy, the existing roosts and access/egress points should be retained where possible. Clarification is required if any access/egress points will be retained and which will be partially or completely destroyed.

The inclusion of one bat tube per dwelling as shown in the Ecology Site Plan is welcome, the mitigation should also include suitable features to mitigate for the loss of serotine roost(s) and not rely solely on the features within the proposed bat loft. All integrated ecology features need to be included in the proposed building elevation drawings.

Clarification is required on which trees have low bat roost suitability.

Habitat

The submission of the biodiversity metric and associated report is welcome. There are inconsistencies and assumptions which are not supported within these documents and are discussed below.

1. The biodiversity mitigation hierarchy has not been adhered with the functional removal of four lines of trees and scrub which are designated priority habitat *Deciduous Woodland* and *No main habitat but additional habitats present (with a sub-category of Deciduous Woodland)*. In addition, this habitat is considered to be of high importance to commuting and foraging wildlife such as but not limited to bats. The highly important functional corridors of habitat have been classified as lines of trees in the metric and the reporting does not identify the individual medium (or larger) trees to be removed. The metric reports these existing priority habitat linear corridors can be replaced with fractured segments of proposed hedgerow across the site which are of ornamental value. The importance of the linear corridors and boundary vegetation (includes those that form the boundary to the ditch) was highlighted in the previous application (19/00967/OUT) where it was conditioned that there must be a minimum of 5 meters between the boundary vegetation and the development. These corridors must remain within the proposed development to comply with CP50 and NPPF.
2. The baseline habitat as shown in the UK Habs Map in Appendix 1 of the Biodiversity Net Gain Assessment (Date; 19/01/24 by Ecosupport Ltd) does not include numerous individual trees as shown in the Tree Removal Plan (appendix C of the Arboricultural Report).

3. All retained and proposed habitat mitigation/enhancement must be in public domain and managed under a suitable management plan in order to maintain its function for wildlife. Mitigation must not rely on habitat within or bordering private residential ownership as its retention and management would not be enforceable under planning law. Individual tree planting or other habitat within proposed private residential ownership is welcomed although these trees cannot be included in the metric since their retention cannot be enforced.
4. Suitable maintenance access must be provided for any retained/proposed habitat, for example, a buffer of 2m from the edge of the existing/proposed hedgerow.
5. A suitable root protection zone should be allocated for the existing trees and the expected mature size of trees proposed for planting. The proposed plans include multiple proposed individual trees in very close proximity and do not incorporate a suitable root protection zone or canopy growth between the trees resulting in an over counting of what will likely be achievable in the available space.
6. The proposed creation of a pond within the ditch double counts the water course units and is not a suitable mitigation strategy for the removal of the existing pond.
7. Any grassland within public open space is not considered likely to achieve a distinctiveness higher than modified grassland due to recreational and other disturbance pressures.
8. Section 4.2.9 of the Ecological Appraisal Survey Report states:

“The southern part [west of the ditch] of the site, where the proposed development will create 6 of the proposed new houses, was an area of recently cleared land. Aerial photos suggest this part of the Site was previously covered by a matrix of scrub, woodland, grassland and ornamental planting.

When a site has been cleared prior to ecological assessment the baseline is determined from any available information (previously submitted documents, aerial imagery etc) with the precautionary principle applied. Without suitable survey effort or evidence to confirm otherwise it is assumed any habitat / protected species that had the potential to be on the site (based on the available information) were present and the site held significant importance for these species and the habitats were of higher possible distinctiveness and condition.

The ecological loss (which is seemingly the entire western side of the site based on the available information) will need to be suitably compensated / mitigated based on the above approach for assessing the site's ecological baseline. The area is designated Priority Habitat and unless suitable evidence is provided to confirm otherwise the baseline should be of a habitat of higher distinctiveness than modified grassland.

Hazel Dormice

Clarification supported by evidence is required on why it was considered the site had low connectivity for these species when there is seemingly functional habitat connectivity to the railway line to the north and by association the wider landscape.

Otter

Justification supported by evidence is required on why further surveys were not completed to determine the site's importance for commuting otters.

The ditch on site extends south under the A36 and connects Petersfinger water meadows and the River Avon to the south to the drainage network and woodland to the north. Biological records have confirmed that otters have been killed on the A36 which indicates these species are foraging/commuting in this area and highlights the importance of retaining the functionality of the corridor under the A36. The proposed development must ensure the ditch on site and by association the corridor under the A36 remains functional for these species. Adequate habitat buffers must be provided on both sides of ditch for screening and the ditch should not be exposed to artificial light spill in the construction or operational phases.

Reptiles

Confirmation is required prior to determination on the location of the reptile translocation receptor site for any reptiles discovered during the construction phase of the proposed development.

In Summary, the amount of functional habitat for biodiversity would be greatly reduced compared to the current habitat features within the site. This does not align with the requirements of WCA, Hab Regs, CP50, NERC or NPPF.

The Ecology RfR is therefore due to lack of information that demonstrates that the proposal would be compliant with CP50 and NPPF and would not result in significant adverse impacts to protected habitats or species.

This objection could be overcome by submission of:

- Improved Landscape Plans which demonstrate that the existing boundary vegetation (including the habitat alongside the ditch) and the functionality of the ditch are suitably retained and the proposed trees are appropriately spaced to account for future root and canopy growth.
- A suitable mitigation strategy for the loss of priority habitat and pond.
- Amended proposed building elevation drawings to include all integrated ecology features.
- Clarification on which trees had low bat roost suitability.
- Clarification on why internal access to Building 1 (Elmfield house) was not granted. Further survey and mitigation might be required subject to the result of this information request.
- Clarification is required if the Barn is a confirmed bat roost.
- Clarification supported by evidence on why it was considered the site has low connectivity for hazel dormice.
- Justification supported by evidence on why further surveys were not completed to determine the site's importance for otters.
- Confirmation on the location of the reptile translocation receptor site

2. Habitat Regulations Assessment: 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.

Where developments do not meet the Thresholds for Insignificant Effects – Phosphorus Discharges to Ground (see Annex F

NE Water Quality and Nutrient Neutrality Advice 16_03_2022 Issue 1 Final 2.pdf

([wiltshire.gov.uk](https://www.wiltshire.gov.uk)), Appropriate Assessment (AA) 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 and the conclusion agreed with Natural England prior to the application being determined.

A completed nutrient budget and mitigation strategy must be submitted to favourable conclude the AA. Further information on nutrient budgets and mitigation strategies can be found on the council's website: <https://www.wiltshire.gov.uk/planning-bio-phosphorous-nitrogen-mitigation>

The government released an update to the National Planning Policy Framework on 19 December 2023 along with a range of other guidance and policy documents. This included a statement from the Minister of State, Lee Rowley MP, on 20 December relating to nutrient neutrality. The council is obliged to consider all this new information before making decisions on planning applications.

A report was approved by Cabinet on 6 February and discussions are on-going in this respect which will continue over the next couple of weeks with the exact details of the strategy to be published soon on our website. The council's mitigation strategy will be split into sub-catchments with any available nutrient credits initially being assigned to applications on a priority basis.

The Council led mitigation scheme will only be available for applications that comply with saved housing site allocation policies (Appendix D, Wiltshire Core Strategy) and / or Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (excluding Core Policy 37 (Military Establishments)), Wiltshire Housing Site Allocation Plan (2020), made Neighbourhood Plans, Core Policy 44 (rural Exception sites), Core Policy 46, Core Policy 47 and Core Policy 48 and where no other significant planning matters are outstanding.

If the development qualifies the applicant is welcome to apply for the Council-led scheme once this is available and all other significant planning matters are resolved. However, at this time, it is not possible to confirm if the council's mitigation credits are available or will be available for any specific application. Therefore, we advise applicants to investigate site specific, on or off-site mitigation and discuss the mitigation strategy with Natural England at the earliest opportunity. A completed nutrient budget will be required in order for either option to be progressed.

A positive conclusion to the Habitats Regulations Assessment will require certainty that the development proposals will not have an adverse effect on the integrity of the European site. Currently the application does not include accurate details to mitigate the impacts of these increases in phosphorus and consequently, without such detailed proposals, it cannot be concluded that there would be no adverse effect on the integrity of the River Avon SAC as a result of the proposed development.

Should developers wish to apply for the council led mitigation scheme, please request a 'Hampshire Avon Credit Screening Approval' certificate from the Case Officer and apply via the link of the 'Phosphorus and nitrogen mitigation' pages on the council's website [Development Applications in the Hampshire Avon Catchment \(ArcGIS Survey123\)](#)(opens new window)

3. New Forest Internationally Protected Sites

The Interim New Forest Mitigation Strategy is currently being revised and will likely expire by the time this application will be determined. An emerging Recreation Mitigation Strategy for the New

Forest is being discussed at a cabinet meeting on the 7th May, this is likely to require payments for SAMM contributions via planning obligations.

Until the mitigation strategy is approved by cabinet the payments for the SAMM contribution cannot be confirmed. The payment is likely to be in the region of £600 per dwelling. At this time before the emerging Recreation Mitigation Strategy is published, if the applicant agrees in principle to a (as yet unconfirmed) payment per dwelling this will give sufficient intention of mitigation delivery to enable the LPA to carry out the required Appropriate Assessment (AA) under Section 63 of the Habitats Regulations.

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. 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 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.

2. Landscape and Ecological 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 will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include 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.

3. Lighting

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity.

4. 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.

A water efficiency calculation will be needed to discharge this condition. For guidance on how to do this and what is required, please refer to the following document: '*The Building Regulations 2010 – Sanitation, hot water safety and water efficiency*', Appendix A (p36-44). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

Final sign off – all matters addressed:

Ecologist	Date
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