Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	04/10/2023 07/03/2024 16/05/2024
Application number:	PL/2023/04777
Proposal:	Temporary Change of Use from Agricultural to Airsoft & for Erection of Structures
Site address:	Poors Ground, Cheverell Wood, Great Cheverell, Devizes, SN10 5SP
Case officer:	Meredith Baker

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.	Ecological Assessment	CP 50, WCA 1981, NPPF 2021, Hab. Regs.	**04/10/2023** – Ecological Assessment which covers all the concerns raised in this response.	**YES 16/05/2024** - Preliminary Ecological Appraisal. April 2024. Stark Ecology Ltd.
2.	Woodland Management Plan	CP 50, NPPF 2021	**04/10/2023** – Woodland Management Plan to demonstrate that the woodland habitats on the site will be managed for biodiversity.	**YES 16/05/2024** - Woodland Management Plan. April 2024. Stark Ecology.

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 Preliminary Ecological Appraisal has been updated to address the below points and a bespoke Woodland Management Plan, specific to the proposals, has been submitted. I consider that the level of survey has been thorough and appropriate to both the nature of the site and the scale of the development. I am satisfied that there is sufficient information to be able to make a judgement as to whether protected habitats and/or species are likely to be adversely impacted by the proposed development and that no further survey is required in relation to the current application.

The Woodland Management Plan sets out monitoring and remediation measures to be implemented to ensure the CWS, priority habitat and priority/protected species are protected. The document also includes the following recommendations to enhance the site for biodiversity:

- 5 bat boxes
- 10 dormouse boxes
- 5 bird boxes
- 2 hibernacula

The provision of enhancements of biodiversity is welcomed and would be in accordance with Core Policy 50 and the NPPF.

Previous comments - 04/10/2023 / 07/03/2024

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.

It is noted that a rebuttal has been provided to a request made by the LPA ecology team on 11th August 2023 for an Ecological Impact Assessment. 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 following ecological features are known to be, or could be, present on the site and therefore have the potential to be impacted by the proposals (please note that this list is not exhaustive and actual impacts can only be assessed by a professional ecologist undertaking surveys of the site):

- Cheverell Wood County Wildlife Site – the site is wholly within the County Wildlife Site.
- Priority Habitat Broadleaved woodland priority habitat – areas of the onsite woodland are included in Natural England's Priority Habitat Inventory.
- Bats – aerial mapping indicates that there are trees and structures within the site which could support roosting bats.
- Badger – there are records of badger setts near the site and aerial imagery indicates that there is suitable habitat for this species on the site.
- Hazel dormouse – aerial imagery indicates that there is suitable habitat for this species on the site.
- Nesting birds – aerial imagery indicates that there is suitable habitat for this nesting on the site.

Bats, badger, hazel dormouse and nesting birds and priority habitats such as woodland all benefit from legislative protection. Whilst County Wildlife Sites do not receive any statutory protection, they are covered by Core Policy 50 which states:

> *"Sustainable development will avoid direct and indirect impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances where it has been demonstrated that such impacts:*
>
> *i. cannot reasonably be avoided*
> *ii. are reduced as far as possible*
> *iii. are outweighed by other planning considerations in the public interest*
> *iv. where appropriate compensation measures can be secured through planning obligations or agreements.*

Development proposals affecting local sites must make a reasonable contribution to their favourable management in the long-term."

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 174 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.

Salisbury Plain

This application lies within the 6.4 km buffer zone of the Salisbury Plain Special Protection Area (SPA) and in light of the Habitat Regulations Assessment (HRA) for the Wiltshire Core Strategy and the HRA 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 likely significant effect on the conservation objectives of the SPA, 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.

~~Further Information Required:~~

~~In the absence of sufficient information to address my concerns I am afraid I must maintain a holding objection on this application due to the risks posed by the proposals on sensitive ecological features. To overcome this objection the application must demonstrate that protected habitats and species will not be negatively impacted by the proposals and that the development will make a reasonable contribution to the favourable management of the CWS in accordance with Core Policy 50.~~

~~The following information is therefore requested.~~

1. ~~Ecological Assessment~~

~~An Ecological Assessment must be carried out by a professional ecologist with the results submitted to the LPA in a report which includes the methodology and results of any field survey. The report should include (but not necessarily be limited to) the following:~~

- ~~An assessment of impacts on all sensitive ecological features on the site and within the zone of influence. The assessment must include impacts on the woodland from human disturbance e.g., trampling of ground flora, noise, requirement for tree and vegetation removal.~~
- ~~Demonstrate how the proposals are in accordance with planning policy and legislation, including the mitigation hierarchy and biodiversity no net loss/enhancement.~~
- ~~Recommendations to protect sensitive ecological features and provide an enhancement for biodiversity.~~
- ~~A scaled plan showing any sensitive areas (where access may need to be restricted), extent of habitat to be impacted and extent of habitat to be enhanced. The plan should show the size of the areas in an appropriate unit of measurement.~~
- ~~A site plan showing how any mitigation/enhancement measures will be included in the proposal.~~

~~The Ecological Assessment can be proportional to the size and scale of the development.~~

A Preliminary Ecological Appraisal by Stark Ecology Ltd has been submitted. The involvement of an ecological consultant is welcomed however the report fails to address the above points. The report must fully assess the impacts of the proposals on habitats and species and recommend adequate mitigation and enhancement, which includes (but not necessarily limited to):

- Impacts to soil structure, tree integrity and woodland ground flora from trampling.
- Disturbance to bats roosting within the application boundary. Whilst it is accepted that the proposals do not include the removal of trees, the proposed use of the site will introduce disturbance into a woodland with potential for day roosting bats. All Annex II bat species are known to occur in the area, and it is therefore reasonable to assume they could roost onsite (as evidenced by the ecology report).
- Disturbance to badgers present within setts, especially at more sensitive times e.g., breeding season.
- Mitigation and enhancement to address any anticipated impacts, to be set out in a project specific woodland management plan (see below).

Please Note: When resubmitting a revised document, ALL changes must be highlighted to enable review.

2. Woodland Management Plan

This document will detail how the woodland will be sensitively managed throughout the lifetime of the development and beyond to make a reasonable contribution to the favourable management of the County Wildlife Site and provide enhancements for biodiversity in accordance with Core Policy 50. The document must also include constraints in terms of protected species to ensure management is carried out in accordance with legislation and policy. The document should also include measures to enhance the woodland for the species which do or could utilise these habitats. The Woodland Management Plan should be supported by annotated site plans as appropriate.

This document can be appended to Ecological Assessment or submitted as a standalone report.

A Forestry Commission Woodland Management Plan has been provided which sets out how the woodland is currently managed. The management of this woodland as per the document will be carried out irrespective of the success of this planning application. A management plan is required which is specific to the operation of the proposals and must clearly demonstrate how operational impacts will be managed to avoid direct and indirect impacts on the County Wildlife Site, priority habitat and protected/notable species. The management plan will include the following as a minimum:

- Details of the strategy to monitor the woodland for signs of over-trampling and proposed measures to mitigate this e.g., fencing vulnerable areas off until recovered, no activities after heavy rain, or sectioning the woodland and fencing areas off in rotation to allow recovery.
- The location and size of an area (or areas) which will be permanently fenced off and undisturbed to provide a refuge for woodland flora and fauna. Bat boxes should be attached to trees in this area to provide alternative roosting opportunities. The fenced area and locations, number and type of bat roosting features must be shown on an annotated site plan. Dormouse nest boxes and bird nest boxes should also be considered.

- ~~A strategy to ensure the protection of other protected species known/likely to be present e.g., larger buffers on badger setts at key times of the year and planting or protection of food sources and cover for badger/dormouse.~~
- ~~Details of measures to provide an enhancement for biodiversity e.g., targeted bramble management to encourage woodland ground flora and/or fencing off of areas on the woodland edge to allow for natural regeneration and extension of the woodland. Other measures could include marginal planting of the pond and provision of habitat piles in appropriate places.~~
- ~~Details of the briefing to be given to staff and players to inform them of the sensitive ecological areas and any precautionary measures which must be followed to protect ecological features.~~
- ~~Measures to manage biosecurity and prevent pathogens and invasive species being introduced to the woodland e.g., provide a boot wash and inform players of the importance of arriving with clean shoes/boots.~~
- ~~A commitment to no artificial lighting on or near the woodland.~~

~~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.~~

CONDITIONS:

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

   - Preliminary Ecological Appraisal. April 2024. Stark Ecology Ltd.
   - Woodland Management Plan. April 2024. Stark Ecology.

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

2. The Woodland Management Plan (April 2024, Stark Ecology) shall be implemented in full and for the lifetime of the development in accordance with the approved details.

   REASON: To ensure the management of the on-site habitats and protection of biodiversity for the lifetime of the scheme.

3. Features for wildlife will be incorporated into the development in strict accordance with the Woodland Management Plan (April 2024, Stark Ecology). The installation of these features will be supervised by a professional ecologist. These features will continue to be available for the target species for the lifetime of the development.

   REASON: To provide enhancement for biodiversity.

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

   REASON: In the interests of conserving biodiversity.

INFORMATIVES:

Bats

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species 2017 (as amended) 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.

Protected Species General

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Final sign off – all matters addressed:

Ecologist **Rachel Whyte**	Date **16/05/2024**