Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name: **Fiona Elphick, Senior Ecologist**
Date: 14/03/2024 Further Comments 24/05/2024
Application No: **PL/2023/10982**
Proposal: . Engineering works and change of use to enable widening of highway
Site Address: Land at Thickwood Lane and Northern Lane, Colerne, Wiltshire
Case Officer: **Victoria Davis**

Recommendations:

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

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required (Leave blank if further information not required)	Satisfactorily addressed (Document & Date)
	Bats, small mammals, reptiles, birds.	Habs Regs., W&CA, CP50, NPPF	**14/03/2024** Revision of location of some proposed passing places. Further information on protection of key habitat features.	**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 me further on the above application.

The sites for the proposed individual passing places do not lie within or immediately adjacent to any sites designated for nature conservation, however, they do all lie within one or more buffer zones for core roosts of Lesser Horseshoe bats associated with the Bath & Bradford on Avon Bats Special Area or Conservation (SAC). As such, any significant loss of, or alteration to habitat features likely to be used by bats for foraging and commuting, may impact on the Conservation Objectives of the SAC. Appropriate Assessment (AA) under Section 63 of the Habitats Regulations 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. Please see comments on the individual proposed passing places below.

The general landscape area in which this application is located, supports habitats which are high in value for a number of wildlife species. There are many sunken lanes and historical drovers routes in this locality, with some remnants of ancient vegetation assemblages and notable flora. Additional passing places or even formalisation of informal passing places will reduce the flora and fauna able to utilise these areas. Of particular concern are hedgerows, trees and drystone walls that will be impacted by the proposal. See further comments below on individual locations.

Passing Place 1
There appears to already be an informal passing place, where the verge is overrun. It appears this is wide enough to accommodated a formalised passing place by extending the road surface to the base of the bank. Regrading of the bank would likely destabilise the drystone wall, risking collapse. This could be deleterious to reptiles, nesting birds and small mammals using the wall for shelter, or even winter hibernation and would reduce the habitat features available to them. Likewise regrading of the bank will disturb the existing flora and may reduce the seedbank in the soil. It appears that the passing place could be accommodated without regrading of the bank, without evidenced justification of why it is necessary. The precautionary ecological recommendations advise not depositing spoil on unaffected verges, which would mean removal rom the area, along with part of the historic seedbank. Please re-evaluate the necessary works to this location and reduce to comprise extending the road surface only, unless there is robust justification for regrading the bank and further investigation into the stability of the drystone wall and how it could be impacted by the proposal. Additional information indicates that the wall will not be impacted, although no justification is given for this as there are no measurements for a stand-off from the wall. It is also unclear whether any of the young trees will be removed. Measurements of vegetation to be removed are required, together with suitable buffer distances to ensure no damage to stone walls.

Passing Place 2
This is located opposite a gateway which appears to already function as an adequate passing place. There appears no need to cut the opposite bank back to the foot of the wall, which could destabilise the wall and would lose valuable connective habitat along the wall, thereby reducing the functionality of the wall feature for reptiles, nesting birds and small mammals. The precautionary ecological recommendations for this are the same as for Passing Place 1 and my comments are therefore the same in relation to soil removal and seedbanks. The additional information confirms that the verge will be cut back to the wall. The ecologist claims there is no intention of impacting on the existing wall, however it seems most likely that cutting the verge back to the wall would, in fact, destabilise the wall. A 200mm strip at the base of the wall for the benefit of reptiles and small mammals was mentioned in the introduction but not included in the information for this passing place. 200mm is not a large enough buffer to provide functionality of habitat for any species.

I would reiterate that the track entrance on the opposite side of the road provides a suitable passing place without engineering works that would result in risk to existing habitats including the stone wall.

Passing Place 3
No ecological concerns

Passing Place 4
The proposal is to clean out the drystone wall and regrade the bank but then says reconstruct drystone wall. Clarity of the proposal here is required please, as there is potential for significant loss of habitat for reptiles, birds and small mammals. The area where reconstruction is to be located is not clear, nor ownership of the land at this location. The wall (and its verge) is to be moved further back away from the road according to the site drawing, to enable widening of the road. However there is no ecological input to say how connectivity of habitat will be retained. It is not clear who owns the land on which the wall and verge will be relocated.

Passing Place 5
It is not clear whether the proposal here is to remove trees as well as hedgerow. Removal or alteration of hedgerow and tree habitat within the LHS core buffer zone will trigger the requirement for HRA. It is therefore essential that the proposal is clear and that proposed mitigation is sufficient to address both temporary and permanent loss of habitat from this area. The "closed" nature of the lane at this location is likely to be of value to foraging bats. Creating a more open aspect may result in a reduction of the foraging value. This will need to be assessed within the HRA, therefore sufficient detail of the proposed works and mitigation are required in order to carry this out. Updated information confirms part of what is "likely to be an important hedgerow" (as described in the Hedgerow Regulations) will be removed and replanted further back in the field, wich is in the applicant's ownership. However, no volume of vegetation to be removed has been given. A new retaining wall is proposed within the Ecological survey report only but no detail of this is included. A small sycamore tree is also to be removed.

Passing Place 6
I am particularly concerned about the integrity of the ash tree being compromised by the proposal to cut the bank back to the base of the tree (as stated in the preliminary ecology assessment by CTM Wildlife), although this is not worded the same in the Planning Statement. Ideally, this tree should be afforded a root protection zone (RPZ) in line with BS:5837:2012. If the tree were to fail as a result of having its roots compacted, this would result in loss of a habitat feature used by commuting bats. Protection of this tree (namely its roots) must be proposed and will need to be suitably mitigated for in the HRA.
It is apparent from the information submitted that the verge will be cut back right to the base of the tree, possibly involving removal of some roots. Without a large enough root protection zone, this tree is likely to be lost as a result of this action, which in turn will result in loss of functional habitat in the local area. **I therefore must object to the construction of this passing place.**

Passing Place 7
The ecology appraisal states that the intention here is to shave the bank by 0.5 – 1m depth. The Planning Statement states that the bank will be regraded. It also appears to be (from Dwg. LDC.2272R-10) an existing informal passing place. Is it necessary to regrade the bank at all at this location? Please clarify what the proposal here consists of. The additional information now states that the proposal is to slightly regrade the existing verge to enable widening of the road. This is not considered to cause any impact on the existing wall. A wall was not previously mentioned at this location. Impact on the vegetation assemblage has not been assessed.

Passing Place 8
No Ecology Concerns.

The additional information from the project ecologist states that a 200mm strip of grass could be retained along the base of the stone walls, where verges will be cut back. This is a very small strip and unlikely to be functional for reptiles and small mammals, as it will inevitably be over-run or turned to mud by passing vehicles, and may not function as cover for any animal species, so close to the base of the wall.

No further information as to actual impacts of these works on the ecology of the area has been forthcoming. The updated report acknowledges that there are existing records of 13 species of bat recorded in the local area, at least 7 of those roosting and including all four Annex II bat species (the rarest and most endangered species in the UK). The ecologist states that the tree at passing place 6 has potential to support roosting bats, however, no precautionary measures to ensure that the integrity of the tree itself is not compromised as a result of the works, has been included, such as the requirement for a suitable root protection zone and links to adjacent habitat being retained.

The project ecologist has included a section acknowledging the importance of the area for Annex II bats but then apparently dismisses any impacts to any bat species as a result of the works, with no justification. No surveys around the lanes have taken place to know whether any of the lanes form key

flight lines, however, since the site is within several of the cores sustenance zones for bats associated with the Bath & Bradford on Avon Bats SAC, we assume that the habitats in the area are well used by bats for commuting and foraging. Using the precautionary principle and in the absence of firm evidence to the contrary, we must make the assumption that bats are present widely in the area and therefore will be affected by unmitigated loss of vegetation as well as increased disturbance from vehicle headlights throughout the night when an event is held at Euridge Manor.

The passing places are not required unless permission is granted for Euridge Manor to be used as an events venue. Therefore, I do not believe it would be good practice to permit this application, which will cause disruption to natural habitats and the protected species they support, until such time as it is shown that the passing places are required, i.e. if permission is granted for events. If such a permission is granted, a far more detailed proposal of the quantity of vegetation to be removed, replanted and enhanced will be required, presented on the site drawings.

In summary, there is insufficient information and sometimes conflicting information as to the proposals. Some of the proposed works seem to be more than what would be necessary to formalise passing places, with potential impacts on wildlife species through habitat loss. Removal or alteration of vegetation within the local area has the potential to adversely impact foraging bats, particularly LHS associated with the Bath & BoA Bats SAC. Sufficient information is required to enable the LPA, as Competent Authority, to carry out the Habitats Regulation Assessment. This will include precautionary measures to protected hedgerows, tree lines and the “closed” nature of some parts of the lane and to mitigate for any losses. There is currently insufficient information included in the proposal to assess whether mitigation will be effective in preventing degradation of functional habitat in the local area, which would be contrary to the Habitats Regulations, CP50 and NPPF.

I therefore maintain my holding objection to this application until information has been submitted and assessed as sufficient to address these issues.

Ecologist	Date

Final sign-o only given when all issues above have been addressed.