

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Max Hemmings
Date:	05/06/2024
Application number:	PL/2023/10331
Proposal:	Outline planning application (with all matters except access reserved) for up to 49 dwellings and associated works and provision of a cemetery together with access and associated works.
Site address:	Land south of The Forty and North of Chelworth Road, Cricklade, Wiltshire
Case officer:	Olivia Tresise

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 Parameters Plan (EPP)	CP50, NPPF	05/06/2024 A suitable Ecological Parameters Plan (EPP).	NO
2	Evidence to support the reptile survey effort	CP50, NPPF, WCA	05/06/2024 The location of the deployed reptile tins and the timing of the survey visits.	NO
3	North Meadow & Clattinger Farm Special Area of Conservation	Hab Regs, WCA, CP50, NPPF	05/06/2024 A suitable mitigation strategy that is approved by Natural England.	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 ecology report (*Ecological Assessment, 9673.EcoAss.vf, November 2023 by Ecology Solutions Limited*) submitted to this application is welcomed.

The ecology report confirms the following within the Zone of Influence of the proposed development:

- Trees with low bat roost suitability.
- Common pipistrelle, soprano pipistrelle, and noctule bats foraging and commuting on the site along with occasional Myotis sp., brown long-eared, serotine, Leisler's, barbastelle and Nathusius' pipistrelle with the majority of the activity in the northern section of the eastern parcel. No activity surveys were completed in the western (proposed cemetery) parcel.
- Badgers: The woodland, scrub and grassland habitats are suitable for sett-building and foraging however no evidence of badger was identified.
- Hedgehog: suitable foraging, dispersal and sheltering opportunities however no evidence of this species was identified.
- Great Crested Newts (GCN): four individuals were confirmed outside of the redline boundary and functional amphibian habitat connects this area to the application's western parcel.
- The likely absence of reptiles*, hazel dormice, otter, water vole and a rare/protected/notable bird species.
- North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm Special Area of Conservation (SAC)*

*further information is required.

The comments below are reliant on the accuracy and completeness of the submitted reports and we do not take any responsibility for incorrect data or interpretation made by the authors.

1. Ecological Parameters Plan (EPP)

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. 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:

- Specify the minimum distance from the edge of boundary habitat features to the footprint of the built development areas including private residential curtilage.
- Detail that any retained or newly planted trees/hedgerows are not within or form the border to private dwellings. The perimeter for private land should be a suitable distance away to ensure the habitat remains functional for biodiversity. The size of this buffer depends on the ecological sensitivity of the habitat and its importance as part of the biodiversity strategy. A buffer of at least 3m is required from the edge of the vegetation for safe access for maintenance.
- Demonstrate that the existing boundary vegetation are suitably retained and the proposed tree planting are appropriately spaced to account for future root and canopy growth.
- Identify where new habitats will be lost, retained, created and enhanced on site, include minimum area in hectares or length in metres and habitat type.
- The areas of private residential curtilage and the areas within communal ownership along with the proposed physical barrier specification between these areas where appropriate.

- The “dark corridor” for sensitive ecological features where the increase in lux levels from artificial light 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.
- 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.
- Detail the trees with bat roost features.
- Detail the location of the reptile and amphibian translocation receptor site.
- Include the specification and location of the biodiversity mitigation/enhancement measures such as but not limited to log piles, bee bricks, bat boxes and bird boxes to be installed. Integrated features on new residential developments should be created at the ratio of 1:1 feature to building in accordance with best practice guidelines.

The illustrative master plan submitted to this application (Dwg no: 40/001, Date: 21/11/2023) indicates that the existing site’s border vegetation of site such as trees, scrub and hedgerow will potentially form the border to private residential curtilage which is not supported.

All retained and proposed mitigation/enhancement habitat must be in the 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.

The EPP must demonstrate that the functionality of the site’s border vegetation is retained by detailing a suitable buffer of at least 3m from the edge of the existing habitat to the private residential curtilage.

2. Evidence to support the reptile survey effort

The timings of the reptile survey visits and the location of the artificial refugia or ‘tins’ must be included in the ecology report.

3. North Meadow & Clattinger Farm Special Area of Conservation

The development lies within the inner zone of influence (0-4.2km) for the North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm SAC, notified as an exceptional example of lowland meadow with a very high proportion of the surviving UK population of snake’s head fritillary. The development is screened into Appropriate Assessment under the Habitat Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone or in-combination with other plans and projects.

Wiltshire Council, Cotswold District Council and Swindon Borough Council in partnership with Natural England have produced an Interim (2023-2028) Recreation Mitigation Strategy for proposed development within this zone.

The standard mitigation agreed under the above strategy for all residential development of under 50 units in the Inner Zone is:

Strategic Access Management and Monitoring (SAMM) contribution per unit £323.

Infrastructure Mitigation Projects/Suitable Alternative Natural Greenspace (SANG) contribution per unit £480.

Total financial contribution to delivery of the Interim Mitigation Strategy - £803 per unit.

Developer contributions can be secured using a S111 Agreement, Unilateral Undertaking or a S106 Agreement.

Applications that fall just below the 50 residential units may require additional mitigation and a bespoke assessment due to potential in-combination impacts. Natural England have confirmed in their consultation response (C-1420345) that:

“this application is of a scale that it raises concerns relating to adverse effects both alone and in-combination with other projects.”

and

“The use of only a financial contribution whereby mitigation is delivered by the Council is insufficient to demonstrate that there would not be an adverse effect on the SAC habitats”

and

“the applicant is advised that securing their own mitigation in the form of additional natural greenspace would be the most effective approach at this time”

It is recommended the applicant consults Natural England under their Discretionary Advice Service (DAS) for advice.

Until a suitable mitigation strategy is agreed with Natural England it is not possible to favourably conclude the required Appropriate Assessment (AA) under Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

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.

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.

If this application is approved, prior to or alongside the submission of the first application for approval of reserved matters a Construction Environment Management Plan (CEMP), Landscape Ecological Management Plan (LEMP) and Lighting Strategy (which includes a lux contour map) shall be submitted to and approved in writing by the local planning authority. The plans should be informed by details of walkover ecology surveys carried out no more than 12 months prior to submission of the plans.

The Landscape Ecological Management Plan (LEMP) should include the management of the biodiversity mitigation/enhancement measures detailed in the EPP. Integrated biodiversity features must seek to benefit a target species or group and demonstrate viability in terms of

position on building, location and clustering in accordance with relevant guidance. **The location and specification of the integrated biodiversity features must be included in the proposed building elevation drawings at Reserved Matters if this outline application is approved.**

Unless the LPA's Arboricultural officer states otherwise we request compliance to the submitted Arboricultural Impact Assessment and associated documents.

DRAFT CONDITIONS: to be finalised when all information detailed above has been submitted and approved.

1. Compliance with submitted documents

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

- EPP - **TBC**
- Drawing: Tree Constraints Plan, No: 3134-02, Date: August 2023 by SJ Stephens Associates
- Drawing: Preliminary Tree Protection Plan, No: 2134-03, Rev: A, Date: December 2023 by SJ Stephens Associates
- Arboricultural Impact Assessment, Project no: 2134, Date: 3rd August 2023 by SJ Stephens Associates

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

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

2. Lighting

No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing.

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.

3. 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.

4. 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, bats, amphibians and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for amphibians and reptiles; 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.

Final sign off – all matters addressed:

Ecologist	Date
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