ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

PLANNING APPLICATION PL/2023/06212
FORMATION OF FIELD TRACK (PART RETROSPECTIVE)

AT: LAND NORTH OF QUEEN STREET, BRAYDON, MALMESBURY, SN16 9RL

Our Reference: DJD.LPC2522

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1.0 INTRODUCTION

The client is seeking planning permission from Wiltshire Council for the formation of field track (part retrospective) at Land north of Queen Street, Braydon, Malmesbury, SN16 9RL

The proposals include:

- A field track with access from the lane to the north of Queen Street leading down to the fields above the former scrap yard. These fields are in agricultural use and the intention of the track is to gain access to these fields for tractors and other agricultural vehicles.

- The proposed track is intended to be wide enough for a tractor or trailer but will not be enclosed by fencing. Construction works to create the track began on 4th May 2023. This involved the laying of hardcore and then compacting this with a roller. The whole of the proposed track will be constructed from hardcore in the same manner and topsoil will be spread on top of it and reseeded with grass.

- No trees or existing hedgerows are to be removed as part of this application, and there will be no material impact on ecology. No impermeable hard surfacing or artificial lighting is proposed.

2.0 METHODOLOGY

Desk-based study

A review of OS maps and satellite imagery was undertaken to establish the local context within which the study area sits.

The NBN Atlas (www.nbnatlas.org) was reviewed for notable species and Magic map (www.magic.defra.gov.uk) was reviewed for statutory designated nature conservation sites within a 1km radius of the study area.

The proposed new track falls within an area notified as Priority Habitat (Lowland Meadows, on Natural England's Priority Habitat Inventory) and as a County Wildlife Site (Holland Handling Meadows)

Impact appraisal

The ecological appraisal of the proposed development is undertaken in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine , which are in full accordance with the mandatory requirements of the UK EIA Regulations. The ecological assessment will seek to obtain the best possible biodiversity outcomes by integrating the following key principles:

- Avoidance: seek options that avoid harm to ecological features (for example, by locating on an alternative site).

- Mitigation: Adverse effects should be avoided or minimised through mitigation measures, either through the design of the project or subsequent measures that can be guaranteed (for example, through a condition or planning obligation).
- Compensation: Where there are significant residual adverse ecological effects despite the mitigation proposed, these should be offset by appropriate compensatory measures.
- Enhancements: Seek to provide net benefits for biodiversity over and above requirements for avoidance, mitigation or compensation.

The CIEEM EcIA guidelines state that one of the key challenges in EcIA is to decide which ecological features (habitats, species, ecosystems and their functions/processes) are important and should be subject to detailed assessment. Such ecological features will be those that are considered to be important and potentially affected by the project. It is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable.

However, effort should be made to safeguard biodiversity in its entirety, as emphasised by the Convention on Biological Diversity and developed in the EU Biodiversity Strategy 2020. The EU Strategy and national policy documents emphasise the need to achieve no net loss of biodiversity and enhancement of biodiversity.
The importance of an ecological feature will be considered within a defined geographical context. The following frame of reference will be used:

- International and European
- National
- Regional
- Metropolitan, County, vice-county or other local authority-wide area
- River Basin District
- Estuarine system / Costal cell
- Local

Various approaches can be adopted for defining local importance, including assessment within a district, borough or parish context or within another locally defined area.

When describing ecological impacts and effects, reference should be made to the following characteristics as required:

- Positive or negative
- Extent
- Magnitude
- Duration
- Frequency and timing
- Reversibility

The assessment only needs to describe those characteristics relevant to understanding the ecological effect of the impacts and determining its significance.

The CIEEM guidelines define an ‘ecologically significant effect’ as an effect that either supports or undermines biodiversity conservation objectives for ‘important ecological features’ or for biodiversity in general. Significant effects should be qualified with reference to an appropriate geographic scale. However, the scale of significance of an effect may not be the same as the geographic context in which the feature is considered important.

Significant effects encompass impacts on structure and function of defined sites, habitats or ecosystems and the conservation status of habitats and species (including extent, abundance, and distribution). A significant effect is sufficiently important to require assessment and reporting so that the decision maker is adequately informed of the environmental consequences of permitting a project.

3.0 PLANNING POLICY

National & Local

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) requires all public bodies to have regard to biodiversity conservation when carrying out their functions.

The National Planning Policy Framework (NPPF) requires the planning system should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on biodiversity and providing net gains in biodiversity where possible (para 109). Furthermore, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (i.e. locating onto an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (para 118).

Local planning authorities should aim to protect and enhance biodiversity by applying the following principles: ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused’, ‘development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists’ and ‘development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity’ (para 174).

Biodiversity enhancement

All development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Such enhancement measures will contribute to the objectives and targets of the Biodiversity Action Plan (BAP) or River

Basin/Catchment Management Plan, particularly through landscape scale projects, and be relevant to the local landscape character.
Local sites

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 and
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-ter

4.0 BASELINE CONDITIONS

Designations

The proposed new track falls within an area notified as Priority Habitat (Lowland Meadows, on Natural England's Priority Habitat Inventory) and as a County Wildlife Site (Holland Handling Meadows)

Habitats and botany

An aerial image of the development plot is presented in Appendix A,

The majority of the plot comprises a grass verge at the edge of agricultural fields. The grassland is of negligible ecological value.

Trees and boundary features

Certain sections of the track are bordered by mature hedgerows.

5.0 MITIGATION AND ENHANCEMENT

New planting

The fields are used for haymaking and subsequent grazing. The need of the track is to gain access to the top dry fields all year round, as our five year permission to access the top fields through our neighbours property has expired The track will allow us to attend to any livestock that would be wintered on the higher ground with only a field shelter rather than being shut in a barn on the bottom fields.
Our proposal for the enhancement of the ecological mitigation and enhancement will be to plant a hedge of native species Hawthorn (Crataegus monogyna) and interject them,with hardwood trees ie. Oak (Quercus) to match existing hedgerows,

and allow local flora and fauna to establish itself along the hedges. See attached plans provided at Appendix C.

New track

The track will be capped and seeded with a thin layer of topsoil taken from these workings to allow grass to grow to reduce any visual impact but still allow access during the wetter months.

Having owned the land for many years and living in the area we have always been mindful of the environment ie. only treating the fields with farmyard manure and taking the hay crop after it has seeded late in the season, allowing the wildlife to enjoy the benefit of coverage due to the late harvesting.

Having lived and worked in the area for more than fifty years, maintaining a good relationship with our neighbours has always been important to us. I take some responsibility for the concerns raised by my neighbours as I was out of the country when the work was started, and the subsequent lack of information in the planning application for the need of the track. ie.the expiry of the five year permit through the neighbours property.

APPENDIX A AERIAL PHOTOGRPH



APPENDIX B PROPOSED PLANTING PLAN

