



Building at Seagry House, Upper Seagry, Chippenham
(Planning Ref: PL/2025/06615)

Third Party Representation related to Ecology

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On behalf Mr Andrew Scott

Version: V1

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1. INTRODUCTION

1.1 Qualifications and Experience

- 1.1.1 My name is Jim Phillips, I hold a BSc (Hons) degree in Environmental Biology from the University of Essex and a Master of Management with merit from the University of the West of England. I have been a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) since 2011.
- 1.1.2 I am the Managing Director of Ethos Environmental Planning Ltd (Ethos), a multi-disciplinary environmental planning consultancy providing specialist advice to inform decision making for planning and development. Ethos' specialism includes Ecology, Biodiversity Net Gain and Green Infrastructure. Under my management, Ethos employs 25 full time and seasonal ecologists and environmental professionals.
- 1.1.3 Before establishing Ethos, I was a Director of JPC Strategic Planning & Leisure Ltd based in Bristol (2006 – 2013), and prior to this I held a number of posts in local government in natural environment related positions (1995 – 2006).
- 1.1.4 The educational and professional experience I have gained over the past 30 years has provided me with technical expertise in the fields of ecology and green infrastructure planning.
- 1.1.5 I hold a Natural England level 2 class survey license for bats (WML – CL18) and I am a registered consultant under the Bat Low Impact Class License, and hold a level 2 accreditation on the bat earned recognition scheme (Natural England), I also hold a level 1 class survey license for Great Crested Newts (WML – CL08).
- 1.1.6 I am appointed by Mr Andrew Scott to provide a third party representation in relation to Ecology to the proposed development at Seagry House, Upper Seagry, Chippenham (Planning Ref: PL/2025/06615).
- 1.1.7 My representation has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. I confirm that the opinions expressed are my true and professional bona fide opinions.

1.2 Scope and structure of the evidence

- 1.2.1 In preparing this representation, I undertook a site visit on the 15th October 2025 and observed parts of the land from the public highway and from an adjacent property where I had permission to access. I have also reviewed relevant information submitted with the planning application, as well as recent and historic aerial and drone imagery of the site.
- 1.2.2 In considering the above, I have set out the representation in the following chapters:
 - Chapter 2: Policy and Legal Framework.

- Chapter 3: Summary of the biodiversity interest of the site.
- Chapter 4: Review of Ecology Information.
- Chapter 5: Summary and Conclusions.

2. POLICY AND LEGAL FRAMEWORK

2.1 Introduction

- 2.1.1 Within this section, I have set out the relevant policy framework at national and local level and have set out the key legislation relevant to my statement.

2.2 National Policy

National Planning Policy Framework

- 2.2.1 National policy is set out within the National Planning Policy Framework (NPPF) 2024. Chapter 15 'Conserving and Enhancing the Natural Environment', paragraph 187d states that:

"Planning policies and decisions should: contribute to and enhance the natural and local environment by(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs".

- 2.2.2 Within the section on 'Habitats and Biodiversity', paragraph 192b states that:

"To protect and enhance biodiversity and geodiversity, plans should:(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity".

- 2.2.3 Paragraph 193a and 193d are also relevant stating that *"When determining planning applications, local planning authorities should apply the following principles:*

- a) 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;*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".*

Planning Practice Guidance

- 2.2.4 Planning Practice Guidance (PPG) on *Biodiversity, geodiversity and ecosystems* provides additional detail and guidance on aspects of the National Planning Policy Framework. In

respect of the Natural Environment, the PPG sets out the role of the local authority in relation to Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) and indicates how ecology should be considered as part of planning, sets out the mitigation hierarchy, and provides further detail on net gain and how this can be achieved.

2.3 Local Policy

Core Policy 50 Biodiversity and geodiversity

Protection

- 2.3.1 Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 above where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.

Biodiversity enhancement

- 2.3.2 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

- 2.3.3 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.

2.4 Legislation

2.4.1 Within this section, I have set out legislation which I have referenced in my statement.

2.4.2 **The Habitats Directive** (together with the Birds Directive) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. All in all, the Directive protects over 1,000 animals and plant species and over 200 "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance. The Habitats Directive and parts of the Birds Directive are transposed into legislation by The Conservation of Species and Habitat Regulations 2017 (as amended).

2.4.3 **The Birds Directive** is the short name for Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds. This Directive requires the classification of European sites known as Special Protection Areas for species on Annex I but also provides legal protection for all wild bird, their nests, eggs and habitats within the European community.

2.4.4 **Wildlife and Countryside Act 1981** (as amended, including by the Countryside and Rights of Way Act 2000), which provides legislative protection for certain species. The Act also prohibits the spread of invasive plant species, as well as providing the mechanism for the designation and protection of Sites of Special Scientific Interest;

2.4.5 Badgers and their setts are protected under the **Protection of Badgers Act 1992** as amended by the Hunting Act 2004.

2.4.6 The **Natural Environment and Rural Communities Act 2006** (the NERC act) places a duty on all public authorities, including local planning authorities, to consider biodiversity in their work. Local planning authorities are to ensure that there is no net loss of biodiversity on a site, no net loss in habitat connectivity and aims to enhance biodiversity.

2.4.7 The **Hedgerows Regulations 1997** protect 'important hedgerows' from being removed (uprooted or destroyed). Hedgerows are protected if they are at least 30 years old and meet at least one of the criteria listed in part II of schedule 1.

- 2.4.8 The **Environment Act** provides a comprehensive legal framework for environmental improvement within the UK, forming one of the key measures to deliver the vision set out under the 25 Year Environment Plan. The Environment Act establishes the structure for long-term environmental governance and accountability and includes key measures to drive improvements for nature. In particular, it lays the foundation for a Nature Recovery Network, and introduces a mandatory requirement for biodiversity net gain in the planning system (to be implemented by the secondary legislation), requiring developments to deliver a 10% improvement in biodiversity value.
- 2.4.9 Under Section 17 of the **Crime and Disorder Act 1998**, local authorities are required to do everything they reasonably can to prevent crime, including wildlife crime.

2.5 Guidance

- 2.5.1 Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

3. SUMMARY OF BIODIVERSITY INTEREST AT THE SITE

3.1 Introduction

3.1.1 The following ecology information has been submitted with the application:

- Ecological Impact Assessment (*ACD Environmental*, 24th July 2025);
- Biodiversity Metric Calculation Tool (*ACD Environmental*, 31st July 2025).

3.1.2 Within this section, I have summarised the key findings from the above report/metric, and provided commentary on the baseline based on my site visit. I then make reference to this in section 4 of this statement where I have set out my own professional appraisal of the information submitted.

3.2 Ecological Impact Assessment

Habitats

3.2.1 The most valuable on-site habitat is mixed woodland, with additional areas of scrub, neutral grassland, and ruderal vegetation.

Designated Sites

3.2.2 No statutory or non-statutory nature conservation sites will be directly affected.

Protected Species

3.2.3 The surveys for protected species are summarised as follows:

- Bats: Small day roosts of common pipistrelle and soprano pipistrelle bats found in one building (B1).
- Great Crested Newts: Four nearby ponds tested positive for presence (via eDNA).
- Reptiles: A “good” population of grass snakes identified.
- Birds: Common nesting species likely within vegetation and buildings.
- Other Wildlife: Hedgehogs, amphibians, and invertebrates present in small numbers.

3.2.4 The results of the automated bat activity surveys are not presented in the report.

Impacts and Mitigation

3.2.5 Woodland and some grassland will be lost, along with one bat roost and reptile/amphibian habitat.

3.2.6 Mitigation measures include:

- Phased vegetation removal to protect reptiles and amphibians;
- Sensitive lighting to preserve bat corridors;
- Licensed demolition of the bat roost under a low-impact licence;
- Bird and bat boxes, new hedgerows, and log piles for habitat compensation;
- Registration under the District Level Licence for great crested newts.

3.3 Biodiversity Metric Calculation Tool

3.3.1 The submitted metric concludes the following:

- On-site BNG cannot achieve the required +10% due to woodland loss (–5.01% habitat units) but shows a +628% gain in linear features (hedgerows).
- Off-site habitat creation is being explored to meet statutory BNG requirements.

3.4 Ecology baseline from recent site visit

3.4.1 In preparing this representation, I undertook a site visit on the 15th October 2025 and observed parts of the land from the public highway and from an adjacent property where I had permission to access. I have also reviewed historic aerial and drone imagery of the site.

3.4.2 Figure 1 (right hand image) shows the aerial imagery of the site from 2023 which shows the site is extensively covered in woodland with smaller areas of grassland in the north and east. This is also shown in the submitted EclA (Image 1). This is compared to an image taken in October 2025 (left hand image) which shows there has been extensive clearance of woodland habitat on site, with clear evidence of tracks from machinery and bare ground.



Figure 1 Aerial imagery on site current compared to 2023

4. REVIEW OF ECOLOGY INFORMATION

4.1 Introduction

- 4.1.1 Within this section, I have reviewed the submitted ecology information and the LPA ecology consultation response (02/10/2025), and provide my professional opinion on key issues and where relevant made reference to policy and legislation.

4.2 Ecological Impact Assessment

- 4.2.1 Within this section I have considered the approach and findings within the Ecological Impact Assessment (EclA), considered the council ecology comments where relevant, and set out my professional opinion.

Designated Sites

Baseline Assessment

- 4.2.2 The assessment related to statutory and non statutory sites is appropriate, although no reference map is provided.
- 4.2.3 The assessment lists a number of 'local habitats', which then lists five Priority Habitats including 'Deciduous Woodland' which is noted to be onsite and assessed to be of 'site value'.
- 4.2.4 The woodland on site is included on the Priority Habitat Inventory which is a spatial dataset that maps priority habitats identified in the UK Biodiversity Action Plan and listed as being of principal importance for the purpose of conserving or enhancing biodiversity, under Section 41 of the Natural Environment and Rural Communities Act (2006).
- 4.2.5 Priority habitats are afforded importance at a National Scale, and therefore, their importance needs to be considered beyond the site level. This is particularly relevant to this site, as the woodland on site is functionally linked to a network of woodland including Seagry Wood and Oak Hill County Wildlife Site (CWS), and part of the site is included on the South West Nature Map (see figure 2). On this basis, the onsite woodland should be assessed to be of at least **County importance** for nature conservation.

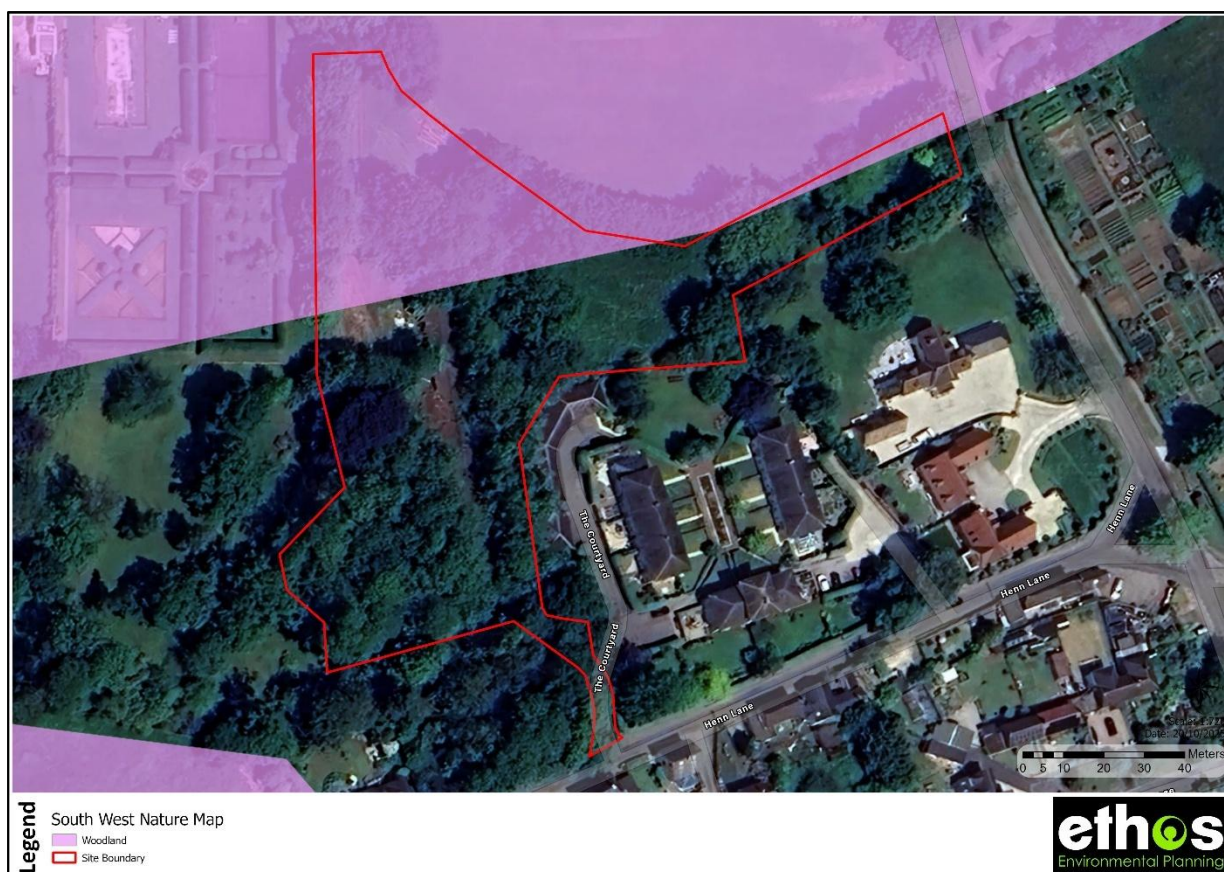


Figure 2 Priority Habitats and South West Nature Map

- 4.2.6 Therefore, classifying the woodland as a **'local habitat'** of **'site value'** is incorrect and undervalues the importance of the woodland on site. This mis-classification of the woodland fundamentally undermines the ecological impact assessment and in turn the BNG assessment. I consider this matter further under the habitat and BNG sections of this statement.

Impact Assessment

- 4.2.7 Table 6 of the EclA lists 'Other Woodland, Mixed' as an important ecological feature brought forward for assessment, and states that *'the majority of the woodland will be retained as part of the development'*. As the woodland is a priority habitat of county importance for nature conservation, this assessment is not considered robust. A more detailed assessment is required to establish the quantity of woodland lost, and whether specific mitigation or compensation is required, as discussed below.

Habitats

Baseline Assessment

- 4.2.8 The submitted EclA has provided a UKHab map (Appendix 2) and description of habitats on site which comprise:

- Hedgerows;

- Other Neutral Grassland;
- Other mixed woodland;
- Ruderal vegetation, Dense Scrub;
- Developed land and buildings.

4.2.9 The current assessment classifies the woodland as 'Other mixed woodland' of 'site value'. However, it is my professional opinion that this classification is incorrect (see paragraph 4.2.5). The woodland is on the priority habitat layer and the description within the ecology report indicates that it should be classified as '**Lowland Mixed Deciduous Woodland**' which should be classified as being of '**County Importance**' for nature conservation, for the reasons I have outlined under the Designated Sites section above.

4.2.10 The assessment makes reference to the various 'conditions' of the habitats on site, however, none of the habitat condition assessment sheets have been provided with the report. This information is required to fully assess the importance of the habitats on site.

Impact Assessment

4.2.11 As the woodland habitat is listed under the NERC Act, the Local Authority must be provided with sufficient information to assess the impacts on the woodland prior to making a decision on the planning application. NPPF policy 193a states that *"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"*; and; Wiltshire core policy 50 states *"Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term"*.

4.2.12 In the absence of a robust assessment of the woodland, and an appropriate mitigation/compensation strategy, the current proposals are considered to be contrary to the NERC Act, NPPF policy 193 and Core Policy 50 which are substantive reasons for refusal.

Great Crested Newts (GCN)

Baseline Assessment

4.2.13 Four ponds within the zone of influence of the site were confirmed as having GCN present and the EcIA confirms they are likely to be present within terrestrial habitats on site. The assessment states that the presence of GCN on site is of '**site value**', however no justification is made for this.

4.2.14 The presence of GCN in a network of ponds close to the site and their presence within

the terrestrial habitat on site indicates the site is likely to be of more importance than site level. The woodland habitat on site is likely to be of significant importance to the local population of GCN in their terrestrial phase. Considering this and their status as a European Protected Species, and a species of principal importance in England, I would consider that their presence on site is of **'County importance'** for nature conservation.

Impact Assessment

- 4.2.15 The EclA acknowledges there will be a significant negative effect on GCN as a result of the proposed development, and that mitigation will be delivered through the District Licensing Scheme (DLL).
- 4.2.16 However, the recent site clearance (see section 3.4) does bring the ability to register the site under DLL into question. The clearance works are likely to have had a significant negative impact on GCN habitat and GCN present on site.
- 4.2.17 If GCN habitat is damaged or destroyed without a license, it is an offence under the Conservation of Habitats and Species Regulations 2017.
- 4.2.18 It is not possible to retrospectively license works that would have required licensing, this may mean that the site is ineligible for registration under the District Licensing scheme. The LPA will need to seek clarification on this point with Natural England, prior to determining the application.

Bats

Trees

- 4.2.19 The EclA identifies two trees on site with moderate roosting potential and two with low roosting potential, and states that *"If any of the trees are due to be removed, then they will need to be considered further and a bat climbing PRF inspection survey may need to be carried out to investigate possible roosting features"*.
- 4.2.20 Considering the substantial clearance of trees on the site, the LPA will need to seek confirmation if any of the trees identified within the EclA have been felled.

Emergence Surveys

- 4.2.21 The emergence surveys identified a maximum of one common pipistrelle and one soprano pipistrelle bat roosting in the structure on site.
- 4.2.22 The survey methodology and results lack sufficient information to provide confidence that the surveys are accurate or in line with guidance (BCT, 2024). It would be expected that more detail is provided in an EclA, including (but not limited to); surveyor locations, example images from cameras used, information on equipment used, environmental conditions during surveys, qualifications of surveyors, detailed description and photos of the structure and potential roost features, assessment of bat flight paths to/from the

roost.

- 4.2.23 Based on the lack of detail, the LPA will need to seek clarity on the survey methodology and assessment prior to determining the application.

Bat Activity Surveys

- 4.2.24 The EclA states that bat activity surveys have been undertaken at the site, however, no methodology or results have been provided within the EclA. This is a significant limitation to the assessment and this information must be provided prior to determining the application.
- 4.2.25 As all bat species and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), the Local Planning Authority must have sufficient information on potential impacts before determining the application. In line with the NPPF (paragraphs 192 and 193) and established case law (e.g. R (Woolley) v Cheshire East BC [2009]), appropriate bat surveys are required prior to determination to ensure that granting permission would not result in an offence under the Habitats Regulations.
- 4.2.26 On receipt of this information, consultees and interested parties must also be given sufficient time to review the findings.

Lighting

- 4.2.27 The EclA states “A sensitive lighting scheme will be designed and implemented to retain dark corridors for bats and other wildlife during the operational phases of the development”. However, no lighting plan has been submitted with the application.
- 4.2.28 This information is needed prior to determination of the planning application to enable the local planning authority to fully assess potential effects on bats and to ensure that appropriate mitigation can be secured. The strategy should follow best practice guidance, such as the *Bat Conservation Trust and ILP Guidance Note 08/23 – Bats and Artificial Lighting in the UK*, to safeguard bat activity and maintain ecological connectivity across the site.

Dormouse

- 4.2.29 The EclA states “The Application Site lies within the hazel dormouse (*Muscardinus avellanarius*) range and are present in the county of Wiltshire”, it then states “the woodland areas have limited structural diversity and are not well connected to suitable off-site habitat”, and; “are considered to be absent from the Application Site due to lack of suitable habitat and connectivity”.
- 4.2.30 The statements above are contradictory and the absence of Dormouse on site is not robustly demonstrated. The site at the time of the survey was dominated by priority habitat woodland which is a habitat of high value for dormouse. The woodland is very

well connected to a network of hedgerows and other woodland habitat including Seagry Wood and Oak Hill County Wildlife Site.

- 4.2.31 On this basis, it is possible that Dormouse are present on site. Standing advise on Dormouse¹ states that dormouse surveys are required if *“the development proposal will affect an area of woodland (including deciduous, conifer or mixed woodland), hedgerow or scrub”*.
- 4.2.32 Considering the nature of the proposals and the clearance that has already taken place, there is a requirement to assess the likely past, current and future potential of Dormouse to be present on site on site through appropriate survey prior to the LPA determining the application.

Reptiles

- 4.2.33 The EclA has identified a good population of grass snake on site which was assessed to be of ‘Local value’. This is agreed.
- 4.2.34 All common reptile species in the UK (including grass snake) are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally kill or injure them, and requiring developers to take appropriate measures to avoid harm and safeguard their habitats during works.
- 4.2.35 The EclA sets out a mitigation strategy to prevent the killing/injury of reptiles prior to site clearance, however, considering the extensive site clearance that has already taken place, the LPA will need to seek clarification as to the approach that has been taken during the clearance works.
- 4.2.36 Whilst the recommended approach to mitigation within the EclA is acceptable, the report does not set out how the good population of grass snake, which is of local value for nature conservation will be maintained on site, and how the loss of the suitable reptile habitat will be compensated on a like for like basis.
- 4.2.37 Under Section 40 of the Natural Environment and Rural Communities Act 2006, local authorities have a statutory duty to have regard to the purpose of conserving biodiversity when exercising their functions. Accordingly, when determining planning applications, the Local Planning Authority must ensure that adequate information is available to assess potential impacts on grass snakes and that appropriate avoidance, mitigation, or compensation measures are secured to prevent offences and support biodiversity conservation.

¹ <https://www.gov.uk/guidance/hazel-dormice-advice-for-making-planning-decisions>

4.3 Biodiversity Net Gain (BNG)

4.3.1 The submitted BNG metric has been completely incorrectly and is missing sufficient detail required by the LPA to determine the application, this includes the following:

- The woodland on site has been classified as *'Other Woodland, Mixed'*, which is incorrect (see section 4.2 of this report). The correct classification is *'Lowland Mixed Deciduous Woodland'*;
- No condition assessments have been provided for the habitats on site, therefore, the accuracy of the baseline or proposed habitat conditions cannot be assessed;
- The assessment fails to justify how the conditions of the 'proposed habitats' will be achieved, the proposed grassland or woodland habitats are unlikely to achieve a 'good condition';
- The 'Strategic Significance' tab in the enhancement and creation tabs are currently labelled as *'Area/compensation not in local strategy/ no local strategy'*. However, due to the location of part of the site within the South West Nature Map, relevant habitats should be entered as *'Formally identified in local strategy'*;
- The assessment has not identified the proposed strategy for meeting the shortfall of on site BNG.

4.3.2 Therefore, prior to determining the application, a correctly completed BNG metric and condition assessment sheets are required, along with a strategy for demonstrating that 10% BNG can be secured through on/off site measures.

5. SUMMARY AND CONCLUSION

- 5.1 This representation provides an independent professional review of the ecological information submitted in support of the planning application at Land South of Seagry House, Upper Seagry, Chippenham (Ref: PL/2025/06615).
- 5.2 The review identifies substantial shortcomings in the submitted Ecological Impact Assessment and Biodiversity Net Gain (BNG) metric, both of which contain material errors and omissions. The on-site Lowland Mixed Deciduous Woodland, a Priority Habitat of County-level importance, has been incorrectly valued as being of only site importance. This misclassification fundamentally undermines the validity of the ecological impact and BNG calculations.
- 5.3 Significant concerns also arise from the recent clearance of woodland and associated habitats, which likely resulted in the loss of habitat for protected species such as bats, great crested newts, dormice, and reptiles.
- 5.4 The submitted information does not demonstrate how the development would avoid, mitigate, or compensate for significant ecological harm, nor does it show how the statutory 10% Biodiversity Net Gain will be achieved.
- 5.5 The ecological harm resulting from the proposed development is substantial and clearly outweighs any limited benefits the scheme may deliver. The loss of priority woodland habitat and impacts on protected species represent significant ecological harm that cannot be justified by short-term economic gains. Therefore, in accordance with NPPF paragraphs 187–193 and Core Policy 50, planning permission should be refused as significant ecological harm cannot be avoided, mitigated, or compensated.