

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Jessica Cracknell
Date:	22/01/2026 10/02/2026 updated comments
Application Number:	PL/2025/09099
Proposal:	Construction of tennis court to include part retrospective change of use of agricultural land to garden and associated works
Site Address:	Lordswood House, Commonwood Lane, Sherston, Malmesbury, SN16 0PX
Case Officer:	Peter Crozier

Recommendations:

☐	No Comment
☐	Support
☐	No objection
☒	Condition (no objection subject to conditions)
☐	Objection - further information required
☐	Objection in principle
☐	HRA.

Further Information Required:

	Issue	Policy/Legislative Compliance	Date information requested & Further information required	Satisfactorily addressed (Document & Date submitted)
1	Ancient Woodland/Priority Habitat	CP50, NPPF, Habs Regs	22/01/2026 Ecological Mitigation and Enhancement Strategy/Plan, to include; proposed ecological enhancements and suitable buffers proposed around features/habitats Details of how the ancient woodland will be protected during both construction and occupation.	YES 10/02/2026 Landscape Plan. 05 February 2026. Brian Kirby Design. Drawing No. 1124:23B.

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 your consultation on the above application. I have reviewed the submitted documents against OS maps, aerial photographs of the site and surrounding area, together with GIS layers of statutory and non-statutory designated sites and existing records of protected species.

The following submitted documentation was reviewed to inform this response:

- [Landscape Plan. 05 February 2026. Brian Kirby Design. Drawing No. 1124:23B;](#)
- [Baseline BNG Habitat Plan;](#)

- [Post-development BNG Habitat Plan](#);
- Preliminary Ecological Appraisal. September 2025. Seasons Ecology. Report Ref. SEB3139_01 v2;
- The Statutory Biodiversity Metric. 03 November 2025. Iteration 2;
- Biodiversity Net Gain Statement – Statutory Biodiversity Metric. November 2025. Seasons Ecology. Report Ref. SEB3139_01 v3;
- Block Plan: Proposed. June 2025. Brian Kirby Design. Drawing No. 1124:P:02;
- Location Plan. 13 November 2025. Brian Kirby Design. Drawing No. 1124:P:21A;
- Location Rationale Statement. LP Planning Consultants;
- Planning Statement. November 2025. LP Planning Consultants.

Ancient Woodland/Lord's Wood CWS

The application site borders Lord's Wood County Wildlife Site (CWS), which is classified as ancient broadleaved woodland. Ancient woodland is an irreplaceable and protected habitat under NPPF paragraph 193(c). Paragraph 193.c of the NPPF which states that '*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*'. Woodland of this type is also important to protected and notable species including bats and dormice. It is anticipated that bats use the area for foraging and commuting and therefore the woodland edge must be protected from damage during construction.

Ancient woodland must be adequately buffered in accordance with Government guidance, which states that "*proposals should have a buffer zone of at least 15 metres from the boundary of the woodland.*" The submitted Preliminary Ecological Appraisal states that "Prior to any works commencing on site, retained hedgerows and trees within the vicinity of the proposed tennis court will be protected with protection fencing. The allocated 15m buffer between the proposed tennis court and south Priority Habitat Deciduous Woodland/Ancient Replanted Woodland will also be created, with the erection of protection fencing 15m north-east of the development site to form the Construction Exclusion Zone (CEZ)." These measures are welcomed and the proposed buffers must be clearly shown on a layout plan.

~~Further information is required in the form of an updated layout plan clearly demonstrating that a minimum 15-metre buffer to the adjacent priority habitat deciduous woodland / ancient woodland will be maintained. The plan should clearly identify the buffer as a construction exclusion zone and show how woodland trees and habitats will be protected throughout construction and operation, to ensure no loss or deterioration of this irreplaceable habitat. This should include clear avoidance and protection measures to ensure no loss or degradation of the woodland during construction and subsequent occupation. Should proposals change such that tree or scrub removal within or adjacent to the woodland is required, further surveys would be necessary and mitigation measures would need to be reviewed and revised accordingly.~~

[A Landscape Plan \(05 February 2026. Brian Kirby Design. Drawing No. 1124:23B\)](#) been provided which demonstrates that a minimum 15-metre buffer to the adjacent priority habitat deciduous woodland / ancient woodland will be maintained. The buffer is identified as a Construction Exclusion Zone (CEZ) and will be protected throughout the construction phase by the installation of Heras tree protection fencing. The submitted information confirms that no contractors, construction materials, plant or machinery will be permitted within the CEZ at any time during construction. The protective fencing will be installed prior to the commencement of works and will remain in place for the duration of the construction phase, only being removed once construction is complete.

Protected Species

There are no buildings or trees on site with potential to support bat roosts. The site provides low-quality foraging and commuting habitat, comprising modified grassland, immature trees and newly planted hedgerows. However, the site is adjacent to Priority Habitat Deciduous Woodland to the north-west and Ancient Woodland to the south and is therefore likely used by bats commuting between these higher-quality habitats. The retention of existing hedgerows, together with proposed new hedgerow and scrub planting, will provide connectivity and support the functionality of commuting routes for bats.

Due to the potential presence of Great Crested Newts (GCN), given the proximity of ponds to the proposed development, a precautionary method of working is required. This should include sensitive (phased)

vegetation clearance undertaken between April and October. As set out within the Preliminary Ecological Appraisal, a construction exclusion zone with appropriate protective fencing must be installed prior to the commencement of works. These measures should also be incorporated within the Construction Method Statement (CMS), secured by condition.

Where possible, vegetation removal should be scheduled outside the bird breeding season (1st March–31st August) to avoid potential disturbance. If removal during this period is unavoidable, a pre-works nesting bird inspection must be conducted no more than two weeks before tree felling begins. 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.

No new lighting is proposed as part of the development. Should the proposals be amended to include external lighting, further assessment would be required and any necessary mitigation measures would be reviewed and revised accordingly. To ensure ecological functionality for foraging and commuting bats is retained it is expected that an undeveloped continuous dark corridor is provided along key bat habitat. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Biodiversity Net Gain (BNG)

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) this application is required to deliver 10% Biodiversity Net Gain (BNG). The Biodiversity Gain Plan condition will automatically apply if approval is forthcoming.

A completed statutory metric calculation (03 November 2025. Iteration 2) confirming the baseline and predicted post- development biodiversity units of the site has been submitted (including the condition assessment sheets and baseline habitat maps).

Information in the completed on-site baseline habitat tabs is accepted as accurate based on the information submitted. The pre-development (baseline) situation is summarised below.

On-site pre-development (baseline) biodiversity value	0.80 Habitat units
	0.00 Hedgerow units
	0.00 Watercourse units
Are there any irreplaceable habitats on-site?	No
Has any habitat degradation of occurred?	See comments below

Habitat Degradation: The submitted Biodiversity Net Gain Statement identifies that ornamental, non-native hedgerows were planted on site in Autumn/Winter 2024, prior to the UKHab BNG Survey in September 2025 and have therefore been excluded from the baseline BNG metric calculation. This planting represents an enhancement rather than degradation of the site, and the baseline has been assessed based on habitats present prior to any measurable uplift. The hedgerows will be retained as part of the development and once established, will provide improved habitat connectivity and commuting opportunities for protected species. The metric is therefore considered to assess pre- and post-development biodiversity value in accordance with statutory BNG requirements.

Note to case officer: The Biodiversity Net Gain Statement – Statutory Biodiversity Metric (November 2025. Seasons Ecology. Report Ref. SEB3139_01 v3) identifies areas of habitat creation/enhancement which

contributes to the applications proposed BNG. Confirmation of how the development will achieve BNG is a post-determination matter however consideration should be given to how any proposed BNG will be secured.

Core Policy 50

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 186 d).

Wiltshire Core Strategy Core Policy 50 states *“All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*. In accordance with Core Policy 50, 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.

While it is not expected that this development will result in significant loss of habitat, both CP50 and NPPF requires the inclusion of biodiversity enhancements, such as bird and bat boxes. Ecological enhancements are provided through the installation of two bat boxes, two bird boxes and 2 refuges/hibernacula, as stated within the Preliminary Ecological Appraisal. The location of ecological/biodiversity enhancements must be included in the site plan drawings (Annex 2: UKHab Habitat Map (September 2025). Preliminary Ecological Appraisal. September 2025. Seasons Ecology. Report Ref. SEB3139_01 v2) and will become an enforceable part of the planning permission. Bird/bat boxes will continue to be available for bats/birds for the lifetime of the development.

CONDITIONS:

1. Compliance with submitted documents

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

- Landscape Plan. 05 February 2026. Brian Kirby Design. Drawing No. 1124:23B;
- Baseline BNG Habitat Plan;
- Post-development BNG Habitat Plan;
- Sections 5 and 6 and Annex 2 and 3 of Preliminary Ecological Appraisal. September 2025. Seasons Ecology. Report Ref. SEB3139_01 v2;
- The Statutory Biodiversity Metric. 03 November 2025. Iteration 2;
- Biodiversity Net Gain Statement – Statutory Biodiversity Metric. November 2025. Seasons Ecology. Report Ref. SEB3139_01 v3.

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

2. Construction Method Statement (CMS)

No development shall commence on site (including any vegetation removal or works to existing structures), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall include all precautionary measures to be implemented during the construction period, for the protection of sensitive habitats and species known to be present within or adjacent the site, with particular reference to:

- Bats
- Nesting Birds
- Great Crested Newts
- Ancient / Priority Habitat Woodland

The development shall be carried out in strict accordance with the approved Construction Method Statement.

REASON: To ensure adequate protection, mitigation and compensation for protected species and priority habitats throughout the construction period.

3. 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 submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

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: To avoid illumination of habitat used by bats.

INFORMATIVES:

Protected Species

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species 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	Date
Jessica Cracknell	10/02/2026