



Ecology Compliance Statement

Land West of Hillworth Road Devizes

Reserved Matters pursuant to outline permission PL/2022/00867 (Appeal Ref: APP/Y3940/W/23/3317362)

1. Introduction

1.1 This statement accompanies the Reserved Matters (RM) application sought for appearance, layout, landscaping and scale for 59no. dwellings, landscaping and associated development as detailed on the submitted plans and within the supporting documents following Outline Planning approval PL/2022/00867.”

Outline permission was granted on appeal on 13th October 2023, with access approved and all other matters reserved.

1.2 The purpose of the statement is to show that the RM proposal complies with the ecological requirements of the outline permission. The principal requirement is Condition 5, which requires the development to be carried out in strict accordance with the Ecological Impact Assessment (EclA, Tyler Grange, 31 January 2022, ref 13131_R04_GE_CW) and the Ecological Parameters Plan (Tyler Grange, 21 June 2022, ref 13131/P013). The statement also explains how the RM layout and landscape proposals enable the ecology conditions, namely Conditions 12, 13 and 14, capable of being discharged in the way the EclA intended.

1.3 This is a compliance statement. It does not reopen the ecological baseline, the biodiversity assessment or the principle of development, all of which the Inspector considered and found acceptable.

2. The approved ecological framework

2.1 The Inspector noted that the EclA had been subject to consultation with the Council's Ecologist, and that although it identified use of the site by some protected species, it concluded that sufficient mitigation could be secured by appropriate conditions to avoid any harmful effect (Appeal Decision para 34). A condition was imposed requiring compliance with the submitted ecological information, together with a Construction Environmental Management Plan and details of ecological management (Appeal Decision para 54).

2.2 The EclA and the Parameters Plan work together. The EclA contains the assessment and the mitigation and enhancement strategy, and concludes that, with that strategy in place, no significant adverse effect would arise for any ecological feature (EclA paras 5.28 to 5.52, Table 5.1 and para 6.1).

The Parameters Plan shows the habitats to be retained, created and enhanced, and sets the management requirement for each. The EclA identifies three mechanisms through which the strategy is controlled: a Construction Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP), and a bat-sensitive lighting strategy (EclA paras 5.3 and 6.2). These correspond to Conditions 12, 13 and 14.

2.3 The RM proposals have therefore been prepared on a simple basis. The layout and landscape design follow the Parameters Plan and the habitat measures in the EclA, and the construction and management measures that the EclA assigns to the CEMP, LEMP and lighting scheme are carried forward as commitments to be discharged under the relevant conditions.

3. Compliance with the Ecological Parameters Plan

3.1 The RM layout, shown on the Pegasus Group landscape proposals, follows the habitat structure of the Parameters Plan. The woodland to the south of the site and the boundary vegetation are retained, and the housing sits to the north of the woodland.

3.2 The Parameters Plan identifies the habitats to be created and the management each requires. The RM landscape proposals include an attenuation basin with marginal planting in the south-west of the site, neutral and wildflower grassland within the open space, native shrub planting, native hedgerow planting and native tree planting.

3.3 The Parameters Plan also requires dark corridors of 0.5 lux or less around the site boundaries and along the woodland edge. This will be secured through the external lighting scheme submitted under Condition 14, which will be designed to maintain those corridors.

4. Compliance with the EclA mitigation and enhancement strategy

Habitats

4.1 The EclA relies on the retention of the habitats of greatest value, namely the boundary hedgerows, scattered trees and woodland, with buffer corridors around the perimeter. The RM layout retains the woodland and the boundary vegetation. Protective fencing to BS5837:2012 will be secured through the CEMP.

4.2 The EclA limits habitat loss to the approved access, which removes two trees and c.18 m of hedgerow on the eastern boundary, and to small sections of scrub for a footpath (para 5.16). The proposed access accords with Condition 4 and the Highway Access Plan (Dwg 01-PHL-101 Rev C).

4.3 The EclA compensates for these losses through new native tree, shrub and hedgerow planting, woodland enhancement planting, a north-south green corridor and neutral grassland. The RM landscape proposals include new planting and grassland of these types, and the species, seed mixes and management will be fixed in the LEMP.

4.4 The EclA requires the SuDS basin to be designed for wildlife. The RM proposals include a basin with marginal planting in the south-west of the site, and the detail will be coordinated with the drainage submissions under Conditions 7 and 8.

Bats

4.5 The EclA's approach to bats rests on retaining dark corridors, in particular the north-western boundary where the highest activity was recorded, and on keeping lighting to a minimum (paras 5.36, 5.38 and 5.41). The RM layout retains that corridor and the boundary corridors with buffer planting, and the non-linear woodland edge and SuDS basin provide the foraging habitat the EclA describes (para 5.37). The EclA anticipates that the only built form in the north-west will be an unlit pumping station.

4.6 Lighting at the access, and along the new road, will be designed by a lighting engineer experienced in bat-sensitive design, using directional or low-level lighting, and will be submitted under Condition 14 so that all boundaries remain within a corridor of 0.5 lux or less.

4.7 The EclA also provides for roosting features: four bat boxes on retained woodland trees, sited by an ecologist and controlled through the LEMP, and six integrated bat boxes on a south or south-west facing gable end, as high as possible (para 5.32).

Birds

4.8 Woody vegetation will be removed outside the nesting season, taken in the EclA as March to August inclusive, or only after a nest check by a suitably qualified ecologist, with a buffer retained around any active nest until the young have fledged (para 5.46). This will be included in the CEMP.

4.9 The EclA provides new nesting opportunities through six bird boxes on retained trees, with siting and monitoring secured through the LEMP, and eight integrated sparrow terraces on north or east elevations under the eaves and away from windows (para 5.47). Management of retained and created habitats for nesting birds will be set out in the LEMP (para 5.45).

Badger

4.10 The EclA requires an update badger survey by a suitably qualified ecologist within three months before construction begins. If a sett is found that would be affected, an appropriate mitigation strategy and any Natural England licence required will follow (para 5.29 and Table 5.1). That commitment is carried forward in full. The survey will be secured through the CEMP, which under Condition 12 must include working method statements for protected species, and any exclusion zones or licensing requirements arising from it will be incorporated before works start.

4.11 The EclA also requires a method statement for safe working, for example covering trenches overnight, and habitat management that allows continued foraging (para 5.30). These will be included in the CEMP and LEMP respectively. The woodland is retained on the RM layout and will be protected by fencing throughout construction (para 5.17).

Dormouse and hedgehog

4.12 For dormouse, the EclA requires a precautionary method of working for the hedgerow clearance at the access, where less than 50 m is lost, to be set out in the CEMP (para 5.48). Native shrub planting along the southern boundary and woodland edge, with management protocols suitable for dormouse in the LEMP, retains suitable habitat on site (para 5.49).

4.13 For hedgehog, relaxed management of the buffer corridors and SuDS area will be set out in the LEMP, and 13 x 13 cm gaps will be provided at the base of garden fences, with signage so that they are

not blocked (para 5.52). The gaps are shown on the RM boundary enclosures drawing plan on the 1.8m Timber Close Board Fence.

5. Delivery through Conditions 12, 13 and 14

5.1 The CEMP required by Condition 12 will be submitted before commencement. It will address each matter the condition lists: ecological protection areas and buffer zones, root protection and exclusion fencing; working method statements for protected and priority species; the pre-construction elements of agreed mitigation strategies; timing constraints and the presence of a licensed ecologist or Ecological Clerk of Works; key personnel; and a compliance report with photographic evidence. The precautionary measures the EcIA identifies for badger, bats, nesting birds, dormouse and hedgehog will be incorporated in full.

5.2 The LEMP required by Condition 13 will be finalised, with input from the project ecologist, and submitted before commencement. The finalised plan will set long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature, monitoring and adaptive management, and the legal and funding mechanisms by which long-term implementation is secured. It will carry the management prescriptions of the Parameters Plan and the EcIA, the siting and monitoring of bat boxes, bird boxes and sparrow terraces, and the replacement of any planting that fails to establish within five years (para 5.26). The RM landscape proposals, and the finalised version will carry the ecological measures listed above.

5.3 Condition 14 prevents any external lighting being installed until a scheme complying with ILP Guidance Note 01/21 has been approved. The scheme will maintain dark corridors of 0.5 lux or less around the site boundaries and within open space (EcIA paras 5.38 and 6.2), and the RM layout retains the corridors needed to achieve this.

6. Other conditions

6.1 The SuDS basin shown on the RM layout reflects the biodiversity-led design in the EcIA. The drainage scheme and SuDS structure details submitted under Conditions 7 and 8 will be coordinated with the ecological specification, so that engineering requirements do not compromise the basin's wildlife function. Construction routing, hours and lighting under the Construction Management Statement required by Condition 9 will be aligned with the CEMP so that the two documents are consistent.

7. Conclusion

7.1 The RM layout and landscape proposals follow the principles and parameters of the Ecological Parameters Plan and the EcIA approved under Condition 5. The habitats of greatest value are retained and protected, buffer and dark corridors are maintained around the site, and the habitat creation and enhancement measures relied on in the EcIA are either provided on the RM drawings or secured through the CEMP, LEMP and lighting scheme required by Conditions 12, 13 and 14.

7.2 The RM application therefore accords with Condition 5 and with the ecological conclusions reached by the Inspector, and nothing in the proposals prevents the later conditions from being discharged.