

Wiltshire Council

Strategic Planning Committee

13 May 2020

**Item 7 – 19/11524/DP3 - Wiltshire Council Depot Furnax Lane Warminster BA12
8PE**

Redevelopment of the existing highway depot. Proposed 4000T salt store, 8no. vehicle bays and welfare facilities and external storage areas.

Public Statement – OBJECTION – Harriet James

This is a request to Wiltshire Council to give greater weight to **conserving biodiversity as a material consideration** when assessing the impact of a development on ecology and landscape.

The NPPF states that biodiversity should be conserved and enhanced. Removing mature trees and replacing them with new planting means the multiple species and food chains that depended on that habitat (from invertebrates to birds and mammals) are completely removed. There then follows a **biodiversity gap of many years before the richness of biodiversity is restored.**

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on local authorities to conserve biodiversity.

The officer's report para 9.3 states that replacing circa 28 trees with 40 new ones and new hedgerows is considered to be a net gain to biodiversity. There is no evidence for this and it is not clear how 'net gain' is 'considered' and by whom in Wiltshire Council. I would ask you to listen to Dr. Mantle from Wiltshire Wildlife Trust who came to Full Council on 25th February to ask you to address the ecological emergency which we are facing.

This is how the site looked:





Most of the trees and hedgerows on site were cut down at the end of February, leaving only a few trees on the margins of the site:



Unnecessary removal of a Rookery

As Mr Nicklin's representation says, **there had been a rookery on site for many years**. This was in trees on the margin of the site next to Sydenhams and so was **needlessly removed**. These trees could have provided screening as the arboriculturalist's report had stated that these groups of trees were of good enough quality to be retained for screening.

Local people witnessed the rooks nesting before the trees were cut down.



19th February 2020





21st February. **The trees that had nests have all been removed.**

Pre-app advice

The pre-app advice from the Head of Development Management in January 2019 states that the Council had concerns with the impact of this development on trees and ecology.

He mentioned the loss of mature trees in relation to the loss of amenity value, but not in terms of biodiversity loss.

He said that the external lighting for the site had implications in terms of bats.

The Council's tree officer said that the trees on the site were neglected but had some wildlife value.

The arboricultural report listed individual trees and groups of trees which were in good condition and which could be retained. These included a bastard service tree, a goat willow, a field maple and two whitebeams, all more than 20 years old. The arboricultural report said the goat willow was a possible veteran tree and had 'considerable dimension' for its species. All these trees were removed even though **several of them were beyond the planned building line which could in any case have been adjusted.**



Goat willow cut down

Ecological Assessment

The Ecological Assessment found that there were **8 species of bat** using the site either to roost, forage or commute. The species included Lesser and Great Horseshoe bats.

All bats are 'species of principal importance' but horseshoe bats are specially protected under UK and EU law. **Removing their entire habitat on site makes a mockery of providing a replacement roost and putting up a couple of bat boxes as 'mitigation'.**

In her belated response (written on 9th March, **after** the trees had been cut down) the Council's ecologist 'the site offers a low level of functionality for biodiversity, although the bungalow (due for demolition as part of the proposal) does support four species of roosting bats, all fairly common species'. These four species may be 'fairly common' but they and their habitats are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. **Lesser and Greater Horseshoes are Annex II species of bat which are rare and are on the ICUN red list of threatened species.**

External consultees?

No external consultees are listed amongst the planning documents.

Surely the Environment Agency and Wessex Water should have been consulted on the potential for a salt depot to pollute nearby watercourses from the site which is permeable and low lying?

Why were Natural England not consultees on the bats?

Officer's Summary of Objections

The officer's summary does not include the following objections which appear in the responses from the public:

1. Why could the proposed extended depot not have been planned in a sensitive way to accommodate the trees and the creatures that lived in and around them?
2. The loss of more than 20 mature trees many of which house a Rookery that has been in residence for more than 25 years
3. The council have contravened Schedule 2 of the Conservation of Species and Habitats Regulations 2017 and section 40 of the National Environmental and Rural Communities Act 2006.
4. There were no external consultees such as Natural England, Wessex Water or the Environment Agency even though site has the potential to pollute local water courses with salt.
5. Why are WC contracting tree surgeons who do not seem to be members of the Arboricultural Association which ensures best and legal practice amongst their members?
6. Did Wiltshire Council have a Forestry Commission felling licence? Judging by the huge pile of logs and chippings far more than the permitted 5m cubed of timber was removed.

I would like to request that the Council impose and enforce conditions on lighting to avoid further impact on bats which are clearly roosting and foraging in the area. Please consider providing a replacement pond for the one in the middle of the site.