Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	16/06/2023
Application number:	PL/2023/03881
Proposal:	Conversion of redundant barn to residential use to include minor extension replacements
Site address:	The Barn, Oatridge Farm, Eastcourt, Malmesbury, SN16 9HR
Case officer:	Amelia Rose

Recommendations:

	No comment
	Support
	No objection
	Condition (no objection subject to conditions)
x	Objection - further information required
	Objection in principle
	HRA completed

Further Information Required:

	Issue	**Policy/Legislative Compliance**	**Date information requested & Further information required**	**Satisfactorily addressed (Document & Date)**
	Bats	NPPF 2021, CP50, WCA 1981, Habs Regs	**16/06/2023** – Site plan and elevations drawing showing mitigation and enhancement measures for bats.	

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 <u>all</u> 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 consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The application is supported by a Bat Survey and Assessment by Ellendale Environmental. The bat surveys confirmed common pipistrelle and whiskered/brandt's bat are using the barn to roost in low numbers in the spring/summer. Bat droppings were found within the building however these were not identified to species level in the report.

<u>Further Information Required</u>

A European Protected Species (EPS) bat Mitigation Licence will need to be obtained for the lawful construction of this development. In carrying out its statutory function the LPA needs to be reasonably sure that the proposed development will not result in adverse impact to protected

habitats and species and that the necessary licence is likely to be forthcoming from Natural England.

Ellendale Environmental have recommended providing bat roosting features as mitigation on a 'like for like' basis, this approach is welcomed. Further detail is however required to demonstrate how this mitigation will be delivered and it is requested that an updated site plan and elevations drawing is submitted which shows the number, type and location of bat roosting features proposed for mitigation. The bat roosting features should be designed to accommodate common pipistrelle and whiskered/brandt's bats.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 174 d). At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

The submitted site plan should therefore also include details of bird boxes and/or additional bat boxes which will provide an enhancement for biodiversity. For clarity, the features provided for mitigation and those provided for enhancement should be clearly differentiated on the site plan. Biodiversity enhancements will remain available for the targeted species for the lifetime of the development.

Other Considerations

The production of a Construction Environmental and Management Plan proportional to the scale of the development is included as a condition. This document will detail measures to be implemented during construction to protect the sensitive ecological features present/potentially present on the site.

As bat boxes are to be provided on the site a condition has been included with regard to lighting. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Any proposed lighting should therefore be designed sensitively, following appropriate best practice guidelines and should result in no increase in lux levels to boundary vegetation or any (potential) bat roost.

DRAFT CONDITIONS: to be finalised when all information detailed above has been submitted and approved.

1. **New Bat Roosts**

Bat roosts and bat access points will be incorporated into the development in accordance with (TO BE UPDATED) or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

2. **Construction Environment Management Plan**

Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental

Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Working method statements for protected/priority species, such as nesting birds and bats.
c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for bats; this should comprise the pre-construction/construction related elements of strategies only.
d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

3. Artificial Lighting

No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

INFORMATIVES:

Bats

The barn is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.

Breeding Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. 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. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Final sign off – all matters addressed:

Ecologist	Date