Wiltshire Council

Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name: Jenna Buss
Date: **05/07/23**
Application No: PL/2023/05023
Proposal: Discharge of condition 3,4,5,6 on 20/01159/FUL (Redevelopment of redundant farm building to create a single new detached house and associated works (resubmission of 19/01449/FUL)
Site Address: Dairy Farm, East Grimstead, Salisbury, Wiltshire SP5 3RT
Case Officer: Becky Jones

Condition No.	Further information required by condition	**Satisfactorily addressed (Document & Date)**
03	Prior to the commencement of the development hereby permitted, water sampling and an eDNA analysis to test the pond adjoining the development site for the presence of Great Crested Newts shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority. If the analysis reveals the presence of Great Crested Newts within the pond, then the following shall apply: No site clearance shall take place, no vegetation shall be removed from the site area within the red line and no development (including demolition) shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include: • Details of the type and position of fencing required to deter newts from entering the development site. • Details of measures required to minimise the risk of newts being harmed during the works, e.g. during demolition, excavations and earthworks, use of stockpiled materials and vegetation removal. • A commitment to ensure that an Ecological Clerk of works is present on site when works commence to oversee erection of Heras, newt	**No** **05/07/23** **REF: Construction and Ecological Management Plan, David Leach Ecology dated May 2023** **No** **20/7/2023** **Habitat Creation Plan required**

	and any other necessary fencing. Appeal Decision APP/Y3940/W/20/3263853 https://www.gov.uk/planning-inspectorate 5 • A commitment for the Ecological Clerk of Works to be present once a month during the key period of newt activity from March to June to ensure the CMS is being implemented. • Details of compensation habitat which will be provided to offset the loss of grassland and other habitat within the application boundary. The development shall be implemented in strict accordance with the measures and timings set out in the agreed CMS.	
04	The development hereby approved shall not be commenced until a detailed mitigation strategy to avoid adverse effects on bats and birds including a timetable for the delivery of any measures has been submitted to and approved in writing by the Local Planning Authority. All the bat and bird mitigation and compensation measures shall be provided and available for use at the time specified in the approved strategy and shall be maintained in situ for the lifetime of the development.	**No** **05/07/23** **REF: Construction and Ecological Management Plan, David Leach Ecology dated May 2023** **YES** **Bat Mitigation and Compensation and Enhancement, David Leach Ecology dated July 2023** **20/7/2023**

We welcome the Management Plan submitted; Construction and Ecological Management Plan by David Leach Ecology dated May 2023 which was submitted in support of the discharge of conditions 3 and 4.

Additional information has since been submitted to include the Bat Mitigation and Compensation and Enhancement, David Leach Ecology dated July 2023 and emails received 19/7/2023 and 16/7/2023.

GCN

We note that a positive eDNA result for great crested newt was identified within the adjacent pond and therefore newts may be impacted by the proposals. Condition 3 of the permission stipulates that a Construction Method Statement must be submitted in support of a positive eDNA result and include mitigation and compensation measures to reduce impacts upon GCN. However, the report does not currently provide sufficient information as requested, to support the discharge of this condition.

As you will be aware, GCN are afforded stringent protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and as such are a material consideration within the planning consultation process. Sufficient and appropriate mitigation measures to ensure that GCN are not adversely affected as a result of the proposed development must be submitted as part of the proposal and shown on development drawings.

The current proposal conflicts with Core Policy 50 (para 6.45) of the adopted Wiltshire Core Strategy 2015 and Paragraphs 174 (a & d) and 180 (a) of the National Planning Policy Framework July 2021, because detailed mitigation is not included in the proposal.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPAs ecology team prior to determination of the application.

Although a positive eDNA result was obtained, no additional surveys were undertaken to assess the population size on site. Population surveys will be required to enable an assessment of the impacts of the proposals on GCN and to determine an appropriate mitigation strategy. Once surveys have been completed, an impact assessment and proportionate mitigation strategy must be submitted and included on technical drawings and include all of the information requested within condition three. A European Protected Species (EPS) GCN Mitigation Licence is also likely to be required for the lawful construction of this development. Therefore, additional information is required in relation to GCN prior to discharge of this condition.

Please note that the application falls within the Natural England Amber Zone for GCN. The applicant may therefore wish to consider District Level Licensing (DLL). Instead of carrying out site-specific mitigation and compensation, the applicant can apply to Natural England to determine whether the scheme is eligible for DLL. Once the scheme is accepted under the District Level Licensing Scheme for Great Crested Newts, the *Impact Assessment and Conservation Payment Certificate* (*IACPC)*, which must be signed by the applicant and countersigned by Natural England is submitted to the LPA. [Please note: Annex 3: Site Location must also be submitted with the IACPC and correspond with the red line site boundary submitted with the planning application].

As stated previously, there is currently insufficient information submitted with regards to GCN. We note the positive eDNA result and that GCN are present within the pond that will be impacted by the proposals. We note the location of the proposed fencing and the methods to be used for trapping out thus reducing impacts upon GCN during development. However, as outlined within the condition, we require additional information to include:

- Details of compensation habitat which will be provided to offset the loss of grassland and other habitat within the application boundary.

The email received 19/7/2023 mentions a habitat creation plan for GCN, this has not been submitted to date. We advise that this information is submitted and included on drawings to support the Construction and Ecological Management Plan and address the points raised above.

In addition, a European Protected Species (EPS) GCN Mitigation Licence or District Level Licence will need to be obtained for the lawful construction of this development, we advise you speak to Natural England to determine whether a DLL is eligible.

Bats

We note from the Construction and Ecological Management Plan that bat surveys are ongoing. Bats and their roosts are afforded stringent protection under the Conservation of Habitats and Species Regulations 2019 (as amended) and as such are a material consideration within the planning consultation process. Sufficient and appropriate mitigation measures to ensure that bats are not adversely affected as a result of the proposed development must be submitted as part of the proposal, and shown on development drawings, where bats are present, or likely to be present.
The current proposal conflicts with Core Policy 50 (para 6.45) of the adopted Wiltshire Core Strategy 2015 and Paragraphs 174 (a & d) and 180 (a) of the National Planning Policy Framework July 2021, because mitigation is not included in the proposal.
In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPAs ecology team prior to determination of the application.

Additional information relating to bat use of the site, an assessment of the impacts and the mitigation measures proposed to reduce/minimise impacts is therefore required prior to discharging this condition. We will be able to provide further comment once in receipt of this information.

Final sign off – all matters addressed:

Ecologist	Date
Jenna Buss	**21/7/23**