Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	03/08/2023
Application number:	PL/2023/05198
Proposal:	Application for approval under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 for Change of Use of Agricultural Barn (Class Q) to two residential dwellings (Class C3).
Site address:	Former Piggery Buildings at Cotswold Farm, West Dean Road, West Tytherley, SP5 1QA
Case officer:	Becky Jones

Recommendations:

	No comment
	Support
x	No objection
	Condition (no objection subject to conditions)
	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)

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.

<u>Habitat Regulations Assessment (HRA)</u>

<u>Mottisfont Bat Special Area of Conservation (SAC)</u>

The application site is located within a consultation zone for barbastelle bat associated with the Mottisfont Bats SAC. The application has not been supported by an ecological survey. However, the building is single skinned and naturally light inside. It is therefore considered highly unlikely to provide any roosting opportunities for bats and it would not be reasonable to request a bat survey in this instance. The proposed residential conversion would result in additional windows but given the site and its surroundings, this would have very limited additional impact on existing lighting

levels as a result of the conversion. The low increase in light spill is not considered likely to result in the loss of foraging/commuting habitat or loss of connecting corridors.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given the scale and nature of the development and the surrounding environment that there is no mechanism for adverse effect and operational impacts would be de-minimis.

River Test Catchment

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime SAC, Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020) from the increase in wastewater and land use change. In line with Natural England's Advice on Nutrient Neutrality a nitrogen budget has been submitted to support this application. The nitrogen budget is in line with Natural England's advice, and it is agreed that the development will be nitrogen neutral therefore no mitigation is required.

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended). This concluded that given the application will be nutrient neutral there is no mechanism for adverse effect. Therefore the application is not likely to have significant impacts on the Solent Protected Sites and Appropriate Assessment is not required.

New Forest protected sites

The development lies within the zone of influence for the New Forest protected sites which includes the New Forest SPA, New Forest SAC and New Forest Ramsar site. It is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone and in-combination with other plans and projects. Many of the special features afforded protection are vulnerable to increased recreation as demonstrated in Natural England's supplementary advice issued for the SPA on 19 March 2019 and for the SAC on 18 March 2019. The Council has prepared an "Interim recreation mitigation strategy for the New Forest

internationally protected sites" (Version 1, 25 March 2022) which identifies the zones of influence within which residential and tourism development have the potential to generate additional recreation pressure. The strategy details mitigation required to avoid and reduce impacts. Provision of Suitable Areas of Natural Greenspace (SANGs) will be provided to reduce visitor numbers at protected sites and where visits are unavoidable, strategic access management and monitoring (SAMM) methods will be used to control people's behaviour. The strategy explains that residential developments of 50 or more homes will be required to directly provide high quality open space while other development will contribute indirectly though allocation of funds from the Community Infrastructure Levy. Together this package of measures has been endorsed by Natural England on 24 March 2022 who consider the strategy to be sufficient to mitigate for development coming forward through the Wiltshire Core Strategy.

The Council therefore concludes that, provided the necessary mitigation is secured by condition or S106 as appropriate, the current application alone and in-combination with other plans and projects will not lead to adverse effects on the New Forest protected sites. The necessary mitigation for this development is contributions through CIL towards SAMM.

INFORMATIVES:

Bats

There is a risk that bats may occur at the development site. The council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the nature of this development, the council considers that if bats were found, mitigation would probably not require further planning permission and a European Protected Species Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2017 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work. If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Final sign off – all matters addressed:

Ecologist **Rachel Whyte, Ecologist**	Date **03/08/2023**