Wiltshire Council Planning Consultation Response

ECOLOGY

Officer name:	Rachel Whyte
Date:	03/08/2023
Application number:	PL/2023/05474
Proposal:	Incorporate attached redundant workshop into dwelling, replace and enlarge rear lean-to.
Site address:	Springfields, Charlton, Shaftesbury, SP7 0EN
Case officer:	Jonathan Maidman

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)
1.	Bats	WCA 1981, Hab. Regs.	**03/08/2023** – Justification of survey validity.	**NO**
2.			**03/08/2023** – Mitigation and Enhancement to be shown on technical drawings.	**NO**

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 Mitigation & Survey Report by ABR Ecology Ltd (June 2023). The bat surveys confirmed the presence of a day roost for low numbers of common pipistrelle bat and a hibernation roost for low numbers of whiskered bat in the barn, as well as assumed day roosts for low numbers of brown long-eared and whiskered bats in the flat/workshop. The buildings were subject to a Preliminary Bat Roost Assessment (PBRA) by Elton Ecology Ltd in March 2023, this report was not submitted to the LPA for review however the Bat Mitigation & Survey Report includes the headline results of the PBRA and it is considered that sufficient information has been provided.

I agree with the ecologist's assessment of the buildings for bats however it is noted that one of the three activity surveys was carried out in suboptimal conditions, justification has not been provided on the validity of these surveys results.

A European Protected Species (EPS) bat Mitigation Licence will need to be obtained for the lawful construction of this development. In terms of ecology sufficient information has been provided to ensure that favourable conservation status of common pipistrelle, brown long-eared bat and whiskered bat can be maintained should the application be approved. The information provided in Appendix 5 is welcomed however the locations of features must be shown on technical drawings such as elevations drawings and site plans so that compliance with these drawings can be secured by condition.

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 Bat Mitigation & Survey Report (ABR Ecology Ltd, June 2023) recommends that one bat box and one swift brick is installed to provide an enhancement on the site for biodiversity. The inclusion of these features would be in accordance with Core Policy 50.

The works must be carried out in strict accordance with the precautionary working methods detailed in Section 5 of the Bat Mitigation & Survey Report by ABR Ecology Ltd (June 2023).

Further Information Required:

1. Justification is required to demonstrate that the survey carried out on 6th June 2023 is valid despite sub-optimal conditions.

2. Site plan/elevations drawings must be updated to show the locations and details of bat roosting and bird nesting features which are proposed for mitigation and enhancement on the proposed dwelling and trees.

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 LPA's ecology team prior to determination of the application.

River Avon Catchment

This development falls within the catchment of the River Avon Special Area of Conservation (SAC) and therefore has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. 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 as the proposals constitute the refurbishment of an existing dwelling there is no mechanism for adverse effect and operational impacts would be de-minimis.

CONDITIONS:

1. The development will be carried out in strict accordance with the following documents:
    - Bat Mitigation & Survey Report. V.1. 27th June 2023. ABR Ecology Ltd.

    REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

2. 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.

3. 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:

Roosting Bats

The barn and flat/workshop are used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017 (as amended), 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. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

Nesting 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.

Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Final sign off – all matters addressed:

Ecologist	Date